United Nations A/60/408–S/2005/626

General Assembly
Security Council

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Sixtieth session
Agenda items 71 and 108

Security Council
Sixtieth year

Human rights questions

Measures to eliminate international terrorism

Letter dated 30 September 2005 from the Permanent Representative of Cuba to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith a press release from the Permanent Mission of the Republic of Cuba to the United Nations (see annex).

I should be grateful if you would have this letter and its annex circulated as a document of the General Assembly under agenda item 71, "Human rights questions", and agenda item 108, "Measures to eliminate international terrorism", and of the Security Council.

(*Signed*) Orlando **Requeijo Gual**
Ambassador
Permanent Representative

05-53514 (E) 061005 061005

Annex to the letter dated 30 September 2005 from the Permanent Representative of Cuba to the United Nations addressed to the Secretary-General

Press release from the Permanent Mission of the Republic of Cuba to the United Nations

On Tuesday, 27 September 2005, a spokeswoman for the United States Bureau of Immigration and Customs Enforcement announced in El Paso, Texas, the hasty decision of Judge William L. Abbott not to deport the terrorist Luis Posada Carriles to Venezuela or Cuba, on the grounds that he was at risk of being tortured in either nation, and resorting in a contrived way to the exemptions provided for in the Convention against Torture.

On 28 September 2005, in an attempt to prolong the detention of the five Cuban anti-terrorist fighters, United States federal prosecutors in Florida announced their petition to the Court of Appeals in Atlanta for a full review of the ruling in August by a panel of three experienced judges to overturn the trial of the five Cubans in Miami on the grounds that it had not been "fair and impartial", and to order a new trial in a new venue.

Both of these news items reflect the full magnitude of the cynical and shameless conduct of the United States Government and the false and hypocritical nature of its so-called anti-terrorist crusade.

For two months, the White House concealed the presence of terrorist Luis Posada Carriles on United States soil and to this day refuses to reveal how he arrived in the country.

His arrest, which was unavoidable given the forcefulness of Cuba's denunciations, was carried out as gently and sympathetically as possible. His stay in an immigration detention centre has been marked by preferential treatment and Government spokespersons were time and again forced to resort to verbal gymnastics to avoid using the word terrorist to describe him.

In contrast, the arrest in Miami seven years ago of the five young Cuban anti-terrorist fighters was characterized by violence and the violation of their rights. They endured 17 long months in solitary confinement and a trial tainted by manipulation, bias and the vengeful hatred of the anti-Cuban mafia and its slanders. Their absurdly long sentences were the fruit of vengeance and lies.

In the case of the Cuban Five, federal prosecutors filed false charges, threatened witnesses and manipulated evidence. The conduct of the prosecutors during the El Paso trial was no less shameful: not a single argument or a single witness was presented to counter the machinations of the defence, as though there had been a prior agreement to protect the terrorist.

The same Government that has launched wars and sent its soldiers to die in the name of the fight against terrorism is the one that is now harbouring one of the most notorious terrorists of our times, the mastermind behind the horrendous sabotage of a Cuban airliner with 73 passengers aboard and the person responsible for the murders of many other citizens of Cuba and other nations.

Washington is defending one of its foot soldiers in its criminal war against our people, in its support for Latin American dictatorships in earlier decades, in the sinister operations of the dirty war in Central America and in the attempts on the lives of political figures and heads of State opposed to imperialism's hegemonic interests.

How cynical then to resort to the argument of torture in the case of Posada Carriles, when it is he who stands accused in Venezuela of having savagely tortured many citizens of that country during his years as an officer in DISIP.

It is all the more cynical as the country being accused internationally of practising torture is neither Venezuela nor Cuba, but precisely the United States, which has made that degrading treatment a common practice in Afghanistan, Iraq and the illegally occupied naval base at Guantanamo.

Cuba, moreover, has not sought the extradition of the terrorist, in spite of the fact that it has every right to do so. It is Venezuela that has requested the extradition of a criminal who still owes a debt to that country's justice system and which has offered all the necessary guarantees to put Posada Carriles on trial. The Government of the United States has maintained a shameful silence on this request in a clear demonstration of its complicity with the terrorist.

It remains to be seen which third-party country will offer to take in such a criminal and relieve Washington of this particular hot potato, as is foreshadowed by Judge Abbott's decision.

Cuba will not stop fighting until Posada Carriles, Orlando Bosch and other terrorists of their ilk are convicted of their crimes.

Cuba will continue to support the legitimate request for extradition presented by the Bolivarian Republic of Venezuela.

Cuba will continue to denounce the cruel detention of our five heroes of the anti-terrorist struggle in remote prisons in the United States. Our people will never give up their struggle for them to return to their homeland with dignity and in freedom.

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Agenda items 14 and 31

Security Council
Sixtieth year

The situation in the Middle East

Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories

Identical letters dated 30 September 2005 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the Secretary-General and the President of the Security Council

I would be grateful if you could circulate the present letter and its annex as a document of the General Assembly, under agenda items 14 and 31, and of the Security Council.

(*Signed*) Fayssal **Mekdad**
Ambassador
Permanent Representative

05-53521 (E) 051005 051005

Annex to the identical letters dated 30 September 2005 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the Secretary-General and the President of the Security Council

[Original: Arabic]

I should like to draw your attention to the provocative, hostile and dangerous statements of certain Israeli officials, affirming their determination that the occupied Syrian Golan should remain permanently in Israeli hands.

On 27 September 2005 the Israeli Minister of Defence stated that Israel should continue its settlement operations in the Golan and do whatever was necessary for industry to flourish there because the Golan would remain in Israel's hands forever.

The Israeli Prime Minister, too, recently stated that the Golan would not be returned to Syria even in exchange for total peace between the countries. The Israeli Vice-Prime Minister and Minister of Industry and Trade stated at a meeting, in which the Vice-Chairman of the Golan Settlers' Council took part, that it had been agreed that the Israeli Government would offer a package of financial and tax advantages, grants and facilities to encourage Israeli investors to settle in the Golan.

All these hostile acts and statements, which are at odds with international legitimacy and the United Nations resolutions on the occupied Syrian Golan, come at a time when the international community is hoping for a reduction of tension and the establishment of a just and comprehensive peace in the Middle East. These Israeli practices and statements amount to brazen disregard for the Charter and relevant resolutions of the United Nations, the rule of international law and international humanitarian law and the fourth Geneva Convention of 1949, under which settlement is considered a war crime.

The Security Council, in its resolution 497 (1981), reaffirms "that the acquisition of territory by force is inadmissible, in accordance with the United Nations Charter, the principles of international law, and relevant Security Council resolutions" and "decides that the Israeli decision to impose its laws, jurisdiction and administration in the occupied Syrian Golan Heights is null and void and without international legal effect". In that resolution the Security Council "demands that Israel, the occupying Power, should rescind forthwith its decision" and "determines that all the provisions of the Geneva Convention" also "apply to the Syrian territory occupied by Israel since June 1967". In addition, the General Assembly has denounced the policies of settlement, annexation and occupation in resolutions adopted by it every year, the most recent of which were its resolutions 59/125 and 59/33, in which it expressed the international community's rejection of Israeli policies.

Israel's continued defiance of the relevant resolutions of the Security Council and the General Assembly and its occupation of the Syrian Golan and of Palestinian territory for more than 38 years can no longer be accepted. It has become imperative for the Security Council to require Israel to comply with its relevant resolutions and not to allow it to violate them and thus evade its obligations under international law.

While Israel concentrates on summoning settlers to the occupied lands and building more and more settlements there, half a million Syrian nationals forcibly

evicted from the Golan by Israel at the time of the June 1967 hostilities are determined to liberate their land and return to their homes at no matter what sacrifice and no matter how long the occupation may last. Moreover, every day the thousands of Golan natives who have remained under the Israeli occupation reaffirm their absolute allegiance to their mother country, Syria, and their rejection of the occupation with its oppressive practices and defy, with unflinching determination, the criminal practices of the Israeli occupying authorities, including Israel's continued detention of some Golan natives for more than 20 years now.

Syria asserts once again that the occupied Golan is Syrian territory that cannot be relinquished and that Israel is required under the resolutions constituting international legitimacy to withdraw from the occupied Syrian Golan to the line of 4 June 1967. The Syrian Arab Republic takes the statements by Israeli officials regarding the continuation of the occupation of the Golan forever and the building of more settlements as the latest dangerous escalation of the situation in the region and as pointing to a decision of the Sharon Government to kill the peace process and bury the relevant United Nations resolutions.

Over against Israel's defiance and rejection of a just and comprehensive peace in the Middle East, Syria has for many long years made every possible effort towards a successful outcome of the peace process in the Middle East based on the terms of reference of the Madrid Peace Conference, Security Council resolutions 242 (1967) and 338 (1973) and principle of land for peace. Syria has invited Israel to resume the principle without any conditions, bearing in mind that the relevant United Nations resolutions do not set any preconditions.

The Syrian Arab Republic entreats the international community, the Security Council and the States Members of the United Nations to condemn these Israeli policies and demand that the Israeli Government renounce its expansion, annexation and settlement policies, which cannot but lead to an escalation of tension in this sensitive region of the world. Syria calls on the Security Council to enforce the resolutions on the struggle in the Middle East without discrimination or the use of double standards.

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Security Council

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General Assembly
Sixtieth session
Agenda item 19
Question of Cyprus

Security Council
Sixtieth year

Letter dated 4 October 2005 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith a letter dated 4 October 2005, addressed to you by Mr. Reşat Çağlar, Representative of the Turkish Republic of Northern Cyprus (see annex) forwarding a letter from Mr. Mehmet Ali Talat, President of the Turkish Republic of Northern Cyprus (see enclosure).

I should be grateful if the text of the present letter, its annex and enclosure could be circulated as a document of the General Assembly, under agenda item 19, and of the Security Council.

(*Signed*) Baki **İlkin**
Ambassador
Permanent Representative

05-53827 (E) 071005

Annex to the letter dated 4 October 2005 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General

I have the honour to convey herewith a copy of a letter dated 30 September 2005, addressed to you by Mr. Mehmet Ali Talat, President of the Turkish Republic of Northern Cyprus (see enclosure).

(*Signed*) Re at **Çağlar**
Representative
Turkish Republic of Northern Cyprus

Enclosure

I have the honour to refer to the statement made by the Greek Cypriot leader, Mr. Tassos Papadopoulos, at the sixtieth session of the General Assembly in New York on 18 September 2005.

It should be stressed from the outset that, to our utmost disappointment, the speech has clearly revealed, once again, that the Greek Cypriot leadership neither has the political will nor the resolve to engage in a genuine effort for the settlement of the Cyprus problem in a reasonable period of time under the United Nations umbrella.

Instead, the Greek Cypriot leader chose to repeat his well known arguments vis-á-vis the Cyprus problem, the Annan plan and the future of the United Nations settlement process, which are far from being convincing or fostering hope for the settlement of the Cyprus problem in the near future.

He reiterated his claim that rejecting the Annan plan is not rejecting the solution itself in the island. However, your remarks on the matter contained in your report on your mission of good offices (S/2004/437) dated 28 May 2004, which clearly underlines that "What was rejected [by the Greek Cypriots] was the solution itself rather than a mere blueprint" need no further elaboration.

He also asserts that the plan was divisive and could not provide for and could not bring about the reunification of the island. In other words, the Greek Cypriot leader is suggesting that the United Nations, which has been involved in the Cyprus problem for over four decades to help facilitate the reunification of the island and mandated as such by the Security Council, has somehow finalized a plan that is outside the parameters of the Security Council resolutions on Cyprus and does not envisage the unification of the island. This argument is also tantamount to suggesting that the European Union (EU) as well, which has always supported the unification of the island, has instead fully supported a settlement plan that will perpetuate its division.

The truth of the matter is that the plan finalized by the United Nations and fully supported by the EU was a compromise plan, which envisaged the unification of the island along the parameters contained in the Security Council resolutions. In this context, I would like to refer to the briefing to the Council of the then United Nations Under-Secretary-General for Political Affairs, Sir Kieran Prendergast, on 22 June 2005, following his visit to our region. In this briefing, among other things, he stated, and I quote: "The plan as finalized by the Secretary-General is fully in accordance with the vision of a settlement contained in Security Council resolutions" (para. 23). Thus, the Greek Cypriot side should come up with better arguments to justify its rejection of the Annan plan, which had gathered the full support of the international community as a whole.

The reasons why the Greek Cypriot side rejected the plan are indeed well known to us, as well as to the United Nations and the EU. Recent efforts of the Greek Cypriot leadership to extract unilateral concessions from Turkey by exploiting its EU candidacy shed light on the main motive of the Greek Cypriot leadership in rejecting the plan and cast serious doubt on its expressed sincerity for a new United Nations process.

In fact, Mr. Papadopoulos, in his address to the Greek Cypriot people on the eve of the referenda calling for a resounding no to the plan, clearly revealed the strategy of the Greek Cypriot leadership following the rejection of the plan by the Greek Cypriots. In his speech, among other things, he stated, and I quote: "What will be the consequences if the people (Greek Cypriots) vote no at the referendum? ... within a week the Republic of Cyprus will become full and equal member of the EU. We will achieve a strategic goal that we have jointly set to upgrade and politically armor the Republic of Cyprus ... Turkey's accession course will also continue, thus Ankara will be under continuous evaluation for the adoption and implementation of the acquis communautaire, and Cyprus will be one of the evaluators".

Furthermore, the Greek Cypriot leader, by reiterating his demand that in a new United Nations process there should be no arbitration and no deadlines, is indeed giving the recipe for another 40 years of inconclusive negotiations, which can be utilized by the Greek Cypriot leadership for extracting unilateral concessions from Turkey and Turkish Cypriot side within the context of the EU. This is why Mr. Papadopoulos in his speech states that "... the existence of the United Nations negotiating framework cannot serve as a pretext for postponing or refusing o fulfil these obligations (by Turkey within the context of the EU)".

In view of the foregoing, it is naturally not convincing when Mr. Papadopoulos states that he remains committed "to holding negotiations under the umbrella of the United Nations" and "to a bizonal, bicommunal federal Cyprus". At this point, I would like to refer once again, to the above-mentioned report on your mission of good offices, in which you also stated, and I quote: "If the Greek Cypriots are ready to share power and prosperity with the Turkish Cypriots in a federal structure based on political equality, this needs to be demonstrated, not just by words, but by action" and "if they [Greek Cypriots] remain willing to resolve the Cyprus problem through a bicommunal, bizonal federation, this needs to be demonstrated. Lingering Greek Cypriot concerns about security and implementation of the plan need to be articulated with clarity and finality". Despite this call being reiterated by you on various occasions, it has not yet been properly responded to by the Greek Cypriot leadership. The failure and the unwillingness of the Greek Cypriot side to do so clearly demonstrate that it is not interested in a mutually acceptable settlement, despite continuously professing to the contrary.

The Greek Cypriot leader also claims that they "have been implementing substantial practical measures on the ground with the aim of building confidence and promoting the economic development of Turkish Cypriots". The truth, however, is quite different. The difficulties created and the delaying tactics employed by the Greek Cypriot administration on issues such as opening a school in Limassol for Turkish Cypriots residing in the South and opening of new crossing points for reciprocal crossings (i.e. Zodhia-Bostanci gate) are naturally not conducive to building confidence between the two communities. On the contrary, we have been witnessing a sharp increase in the racially motivated attacks against Turkish Cypriots visiting the South, in particular since the rejection of the Annan plan by the Greek Cypriots. Furthermore, the continuing blockage by the Greek Cypriot leadership of the approval by the European Council of the two draft regulations of the Commission (namely direct trade and financial aid regulations) and similar hostile policies of the Greek Cypriot side cannot be considered as promoting the economic development of the Turkish Cypriot people. On the contrary, it is clear

that the aim of the Greek Cypriot leadership is the total strangulation of the Turkish Cypriot people through further tightening of their isolation.

On the issue of the fate of the missing persons in Cyprus, it should be remembered that the resumption of the activities of the Committee of Missing Persons (CMP) came about as a result of the positive initiatives of the Turkish Cypriot side. We continue to believe that this question should be solved in accordance with the terms of reference of the Committee set up through the good offices of the then United Nations Secretary-General in 1981. The failure of the Committee so far to complete its mandate is not due to any lack of cooperation on the part of the Turkish Cypriot side.

As for the "welfare of the enclaved", it should be underlined that the term "enclaved", particularly following the opening of the borders for reciprocal crossings by the Turkish Cypriot side, has become an obsolete and a misleading terminology. However, the Greek Cypriot side continues to refer to the Greek Cypriots residing in the North as enclaved with political considerations.

Most important of all, I would like to draw your attention to the last sentence of Mr. Papadopoulos' address to the General Assembly where he states that: "We also visualize that, with Cyprus' membership to the European Union taking solid roots, a settlement would encompass an integration of the currently occupied area to the characteristics of a European society and the standards of the acquis communautaire in full harmony and osmosis with the rest of the island". In other words, in complete disregard of the international treaties on Cyprus and United Nations parameters established over four decades of negotiations, he openly and blatantly proposes the integration of the Turkish Cypriot people to the "Republic of Cyprus" as a mere minority. The Turkish Cypriot people have demonstrated their will and resolution for the reunification of the island in line with the international treaties on Cyprus and United Nations parameters, but they are also equally resolute in categorically rejecting a minority status in the island in a Greek Cypriot-run "Republic of Cyprus".

(*Signed*) Mehmet **Ali Talat**
President

United Nations S/2005/629

Security Council

Distr.: General
5 October 2005

Original: English

Letter dated 22 September 2005 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the Secretary-General

I have the honour to draw your attention to the statement by the Presidency on behalf of the European Union in response to the statement of ceasefire by Chairman Prachanda, Communist Party of Nepal (Maoist), issued on 8 September 2005 (see annex).

I would be grateful if the text of the present letter and its annex could be circulated as a document of the Security Council.

(*Signed*) Emyr **Jones Parry**
Permanent Representative of the United Kingdom
to the United Nations

05-53845 (E) 071005

Annex to the letter dated 22 September 2005 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the Secretary-General

[Original: English, French and Spanish]

Statement by the Presidency on behalf of the European Union in response to the statement of ceasefire by Chairman Prachanda, Communist Party of Nepal (Maoist), issued on 8 September 2005

The European Union welcomes the statement by the Communist Party of Nepal (Maoist) (CPN(M)) of a unilateral ceasefire. The European Union urges CPN(M) to take concrete steps towards a permanent end to the use of violence for political ends. The European Union condemns such violence by the Maoists, which has caused considerable suffering and hardship to the Nepalese people. All political forces now need to work strenuously for a democratically based peace process leading to a durable negotiated solution, involving a national consensus and reintegration of CPN(M) into a multiparty democracy.

The European Union therefore urges CPN(M) to implement its latest undertakings in good faith, and the Government to respond positively and concretely, with a view to building the necessary confidence required for a political solution to the conflict. The European Union continues to believe that such a solution will require the assistance of an independent and credible external partner and the active support of the international community. In the wider context, the European Union stands ready to consider positively requests for whatever types of assistance the Nepalese political forces agree are appropriate.

The acceding countries Bulgaria and Romania, the candidate countries Croatia* and Turkey, the countries of the stabilization and association process and potential candidates Albania, Bosnia and Herzegovina, Serbia and Montenegro and the former Yugoslav Republic of Macedonia, and the European Free Trade Area country Norway, member of the European Economic Area, as well as the Republic of Moldova and Ukraine, align themselves with this statement.

* Croatia continues to be part of the stabilization and association process.

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Security Council

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5 October 2005

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Letter dated 3 October 2005 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the Secretary-General

I have the honour to draw your attention to the following statement by the Presidency on behalf of the European Union on the Sudan issued on 23 September 2005 (see annex).

I would be grateful if the text of the present letter and its annex could be circulated as a document of the Security Council.

(*Signed*) Emyr **Jones Parry**
Permanent Representative of the United Kingdom to the United Nations

05-53852 (E) 101005

Annex to the letter dated 3 October 2005 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the Secretary-General

[Original: English, French and Spanish]

Statement by the Presidency on behalf of the European Union on the Sudan, issued on 23 September 2005

The European Union welcomes the 20 September announcement of the formation of the Government of National Unity. This is a significant and historic step towards peace in the Sudan. The EU congratulates both the National Congress Party and the Sudan People's Liberation Movement for the courage they have shown in taking forward the implementation of the comprehensive peace agreement and welcomes the representation of other political parties in this Government. The European Union now calls on the Government of National Unity to move forward quickly with other aspects of the implementation of the comprehensive peace agreement, including as a first step the establishment of the Assessment and Evaluation Commission to monitor progress on this matter.

The European Union also welcomes the opening of the preparatory workshops for the next round of the African Union-led Inter-Sudanese Peace Talks on Darfur in Abuja on 15 September 2005. It calls on all parties to participate in the forthcoming negotiations without preconditions and to negotiate flexibly and in good faith with a view to reaching a just and lasting peace settlement for Darfur very soon.

The European Union also expresses its grave concern about recent reports of serious clashes in Darfur, apparently involving members of the armed movements, the Government of the Sudan and Arab militias, including most recently, on the eastern slopes of the Jebel Marra and in Sheiria, South Darfur. The European Union calls on all the belligerents immediately to rein in their fighters and to ensure that their forces respect international law, as well as the N'Djamena ceasefire agreement and the Abuja protocols. All those involved have a responsibility to find a peaceful solution to the conflict and any attempt to undermine the Abuja peace process is unacceptable. The European Union looks forward to the rapid conclusion of the investigation of the African Union mission in the Sudan into these recent incidents.

Following the recent reports of the Secretary-General of the United Nations, the European Union also condemns the considerable rise in abductions, harassment, extortion and looting and notes that such actions are having a seriously detrimental effect on the vital delivery of humanitarian assistance. The European Union therefore calls on all sides, and particularly the Sudan Liberation Movement/Army (SLM/A), to rein in their fighters and to ensure that their forces respect international law.

The European Union reiterates its commitment to: a resolution of all conflicts across the country, including in Darfur; the implementation of the comprehensive peace agreement; and the establishment of a peaceful, prosperous and democratic Sudan.

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* Croatia continues to be part of the stabilization and association process.

The acceding countries Bulgaria and Romania, the candidate countries Croatia,* Turkey, the countries of the stabilization and association process and potential candidates Albania, Bosnia and Herzegovina, the former Yugoslav Republic of Macedonia, Serbia and Montenegro, European Free Trade Association countries Iceland, Liechtenstein and Norway, members of the European Economic Area, as well as Ukraine and the Republic of Moldova align themselves with the present statement.

* Croatia continues to be part of the stabilization and association process.

United Nations S/2005/631

Security Council

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6 October 2005

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Report of the Secretary-General on the United Nations Stabilization Mission in Haiti

I. Introduction

1. The present report is submitted pursuant to Security Council resolution 1542 (2004) of 30 April 2004, by which the mandate of the United Nations Stabilization Mission in Haiti (MINUSTAH) was established, and resolution 1608 (2005) of 22 June 2005, by which its mandate was extended until 15 February 2006. It covers major developments from the issuance of my report of 13 May 2005 (S/2005/313) up to 29 September, with particular attention to those issues identified in resolution 1608 (2005).

II. Political aspects

2. During the reporting period, the Transitional Government and MINUSTAH were confronted with serious political and security challenges. Despite these challenges, the electoral process gained momentum. The registration of parties, candidates and voters has encompassed a relatively wide range of Haitian political opinion, thus enhancing the credibility of the electoral process and the possibilities for a broad debate regarding the future of Haiti. However, there are substantial technical impediments to the smooth running of this process, and the political dialogue remains at a nascent level.

A. Political developments

3. The Transitional Government continued to face serious challenges in key areas, such as security, human rights and living conditions, and was confronted with criticism from several sectors of society. In response, Prime Minister Gérard Latortue organized a series of closed meetings with political leaders and the private sector to develop a strategy to combat armed gang violence and strengthen confidence in the Transitional Government and the electoral process. In addition, on 25 June the Council of Eminent Persons presented to the Transitional Government a road map outlining priorities for a successful continuation of the transition: public security, justice, elections, political governance and economic measures.

05-53360 (E) 101005

4. Following months of controversy over the growing sense of insecurity as well as the handling of the detention of high-profile figures associated with Fanmi Lavalas, in particular former Prime Minister Yvon Neptune, the Minister of Justice and Public Security resigned on 14 June. A new cabinet was inaugurated on 22 June, with new Ministers of Justice and Public Security, Interior and Social Affairs. Subsequently, a new Director General of the Haitian National Police was appointed on 18 July.

5. In spite of the Transitional Government's efforts, State institutions remained generally weak. Lack of resources continued to hinder the local authorities in the discharge of their functions, with negative effects on the State's credibility. In some areas, disbanded local authorities remained in place contrary to the Ministry of the Interior's instructions (see S/2005/313, para. 28).

6. Political tensions, as well as security concerns, reached a high point when the well-known journalist and poet Jacques Roche, who had been kidnapped four days earlier, was found murdered on 14 July. Some government officials, as well as the Council of Eminent Persons, condemned the killing in public statements which were widely interpreted as accusations that Fanmi Lavalas members had been involved in the murder and calling for the banning of Fanmi Lavalas. Investigations by MINUSTAH and the Haitian National Police into the kidnapping and subsequent murder suggested that the crime was politically motivated, but could not conclusively establish responsibility.

7. The appearance of Father Gérard Jean-Juste, a Lavalas activist, at Mr. Roche's funeral on 21 July provoked a strong reaction from the crowd. To ensure his protection, he was taken by MINUSTAH to a police station. There he was later arrested and charged by an examining magistrate with participating in the kidnapping and murder of Mr. Roche. On 31 August he was transferred to the annex of the National Penitentiary, where Mr. Neptune and former Interior Minister Jocelerme Privert remain imprisoned, with MINUSTAH monitoring their detention and ensuring security.

8. Political parties have become increasingly active in the lead-up to the elections. MINUSTAH organized a series of meetings of political parties in order to create a positive environment for the electoral process. The first of those meetings, held on 11 and 12 May, brought together 36 party leaders, who discussed issues of governance, the transitional process and prolonged pretrial detention. On 17 May leaders of 34 political parties signed the "Port-au-Prince declaration against corruption", which calls for the development of an ethical code of conduct for political parties. The signatories also committed themselves to conducting an open and honest electoral campaign and establishing a parliamentary commission on corruption at the next session of Parliament.

9. A further step was taken on 14 June, when 17 political parties, including sectors of Fanmi Lavalas, signed an electoral code of conduct that bars the use of violence in the pursuit of political power. On 25 and 26 July, MINUSTAH, the United Nations Development Programme (UNDP) and the Transitional Government organized a workshop for some 60 political leaders, at which key governance issues were discussed.

10. MINUSTAH also promoted the participation of women in the electoral process. From 3 to 8 July, MINUSTAH organized a training session on the theme

"Women and leadership" for potential female candidates in the forthcoming elections. On 25 August MINUSTAH, together with a local non-governmental organization, launched a weekly radio programme with a view to raising the awareness of female candidates and voters alike.

11. Under the auspices of the Institut supérieur de formation politique et sociale, and with the support of the Government of Norway, 12 political parties signed on 27 September a pacte de stabilité et de gouvernabilité. The agreement commits its signatories to cooperating before and after the elections, with a view to ensuring that key tasks are undertaken in a spirit of collaboration.

12. The national dialogue process proceeded slowly during the reporting period. The identification of the members of the technical secretariat and the steering committee of the national dialogue by the 12-member Preparatory Commission continued. The Commission held a number of meetings with various sectors of society and political parties, as well as the international community, to discuss the mechanism and process for the national dialogue. A number of political parties have taken the initiative to identify individuals as candidates for the steering committee.

B. Election preparations

13. In a change from previously envisaged dates, the Provisional Electoral Council announced in early September that the legislative and presidential elections would take place on 20 November and 3 January (first and second round, respectively) and the local and municipal elections on 11 December. However, this calendar has not yet been promulgated by the Transitional Government and its feasibility has been publicly contested. Prime Minister Latortue requested the Provisional Electoral Council to review this calendar, with the support of MINUSTAH, bearing in mind respect for the constitutional requirement to swear in the President on 7 February 2006, and to make changes if needed.

14. After initial difficulties, considerable progress has been made in the registration of voters, in which the Organization of American States (OAS) is taking a lead role. As at 29 September, over 2.9 million people, or more than 70 per cent of the estimated 4 million eligible voters, had registered. Deadlines for registration have been extended four times, most recently until 30 September. OAS, with the support of MINUSTAH, has established 450 registration sites throughout the country, including several mobile ones.

15. The registrations of 45 political parties and 32 presidential candidates, representing a wide spectrum of political tendencies, were approved by the Provisional Electoral Council. One of the approved presidential candidates, Marc Bazin, represents an electoral coalition of a large sector of Fanmi Lavalas and his own party; in addition, another approved candidate, former President René Préval, comes from a Lavalas background. This has significantly increased the likelihood of inclusive elections.

16. Ten potential candidates whose applications were rejected by the Provisional Electoral Council have filed legal claims contesting that decision; among them are Gerard Gilles of Fanmi Lavalas and former Prime Minister Jean-Marie Chérestal, who comes from a Lavalas background.

17. The legislative framework for the electoral process remains inadequate. Despite the advice of MINUSTAH, the Transitional Government has not yet made necessary changes to the 11 February electoral decree (see S/2005/124, para. 28). In addition, it remains difficult to ensure that the political process is not tainted by candidates who are widely held by the public to be criminals or closely linked to gangs or criminal violence. This situation is exacerbated by the suspicion that electoral campaigns are being financed, at least in part, by funds of dubious origin. It is important that Haitian institutions address this matter seriously.

18. Furthermore, the ability of the Provisional Electoral Council to organize and administer the elections in a timely manner remained an issue. Electoral preparations continued at a slower pace than anticipated, and a number of significant technical difficulties lie ahead. Even though the Provisional Electoral Council executive board was re-established on 9 August 2005, the institution continued to suffer from severe structural and operational shortcomings, which have cast serious doubts on its ability to establish its full secretariat and meet crucial deadlines. The delay in determining the location and number of polling stations, coupled with the late adoption of the electoral calendar, prevented the completion of the logistical and security plans for the elections.

19. In this context, MINUSTAH and OAS identified 10 key decisions and actions to be taken urgently by the Haitian authorities. These include providing the Provisional Electoral Council with an effective executive structure and professional staff in and outside of Port-au-Prince; confirming the electoral calendar and implementing the legally required steps on time; revising the electoral decree, as noted above; and determining the location and number of polling sites. To date, none of these measures has been fully implemented by the national authorities. In order to ensure that the elections are held on time, it is imperative that the capacity of the Provisional Electoral Council to take prompt and suitable decisions be strengthened. Nevertheless, given the failure so far of the national authorities to implement the 10 priority measures, MINUSTAH may need to play a more active role in the electoral process and provide logistical and operational support beyond what had been originally envisaged. In that event, MINUSTAH would need additional resources.

20. The funding shortfall for the elections currently stands at $4.1 million, out of a $60.7 million budget, due to insufficient contributions and currency fluctuations affecting contributions made in euros. The extension of the voter registration period, and changes in the electoral timetable, will further increase the budget.

21. International and local electoral observation will be a key factor in preventing, reporting and correcting irregularities. During the reporting period, a number of international organizations and countries expressed their willingness to deploy electoral observers, and some have already started deployment. It should be noted that the operational requirements of the electoral process will limit the ability of MINUSTAH to provide logistical and security assistance to the observers, and that bilateral assistance will be required.

III. Security aspects

22. Over the reporting period, there have been improvements in the security environment in Haiti. However, the potential for a resurgence of violence remains,

and continued preparedness will be crucial, particularly during the electoral period, if the gains that have been made are not to be reversed. Meanwhile, it will be essential to continue efforts to advance the development of Haiti's rule-of-law capabilities. The establishment of the Joint Mission Analysis Cell has enabled MINUSTAH to considerably increase its capacity to analyse and share information throughout the Mission. However, MINUSTAH continued to lack access to reliable tactical intelligence.

A. Security environment and activities

23. The security situation in most parts of the country remained fragile but generally stable, with few incidents reported. However, in Port-au-Prince, a marked rise in violence and criminality, including kidnappings, generated serious public anxiety in May and June. In response to this wave of violence, MINUSTAH and the Haitian National Police mounted several successful operations to rescue abductees, and a significant number of suspected kidnappers have been arrested. Military and police operations, along with targeted moves against gang leaders, have been increased in districts affected by gang violence.

24. On 1 June, a group of armed men conducted an arson attack against the main marketplace in Port-au-Prince, Tête Bœuf, leaving up to 17 people dead and causing extensive damage. During June, 59 kidnappings were known to have taken place in Port-au-Prince, with 42 in July, 38 in August and 21 from 1 to 27 September. There is no clear pattern of either motivation or choice of victim, and citizens of all social and economic backgrounds have been targeted.

25. On 6 July, MINUSTAH conducted a large-scale operation in Cité Soleil aimed at apprehending and bringing to justice a prominent gang leader, Emmanuel Wilmer. MINUSTAH encountered heavy gunfire, and it is believed that Wilmer was killed during the operation, together with four of his associates. While MINUSTAH took precautions to avoid civilian casualties, given the densely populated urban nature of the terrain, civilians appear to have been caught in the crossfire. Reports of civilian casualties could not be verified by MINUSTAH due to the strength of the armed response by Wilmer's associates, which forced MINUSTAH troops to withdraw from the area. There were unconfirmed but numerous reports from the Haitian National Police and other sources that gangs were seen killing civilians following the operation. MINUSTAH's Joint Special Investigation Unit is investigating these acts of reprisal, as well as allegations of excessive use of force by MINUSTAH. The prevailing fragile security situation in Cité Soleil has complicated the investigation.

26. In contrast, the security situation in Bel-Air, another hot spot, has improved significantly. In July MINUSTAH established a permanent security presence and subsequently reopened Haitian National Police community stations in the area. Armed gangs have effectively been expelled from Bel-Air, where, after a long period of lawlessness, the situation has begun to normalize.

27. It is important that these security operations and similar efforts in the future be followed by rapid and effective relief assistance and development projects, as well as an expansion of disarmament, demobilization and reintegration activities. Such efforts continued to be hampered, however, by the fact that there are relatively few implementing partners in a position to operate in the area, the limited number of

government staff available and a security situation that limits mobility, particularly in and around Cité Soleil.

28. With the deployment of a battalion from Jordan and a company from Sri Lanka, both of which will be operational in October, the military component of MINUSTAH will be only one company short of its authorized strength under Security Council resolution 1608 (2005). A new sector headquarters for Port-au-Prince is being established to enable MINUSTAH to enhance its operational capabilities and establish a permanent security presence in the area of Cité Soleil.

29. The deployment of MINUSTAH police is being adjusted to maximize resources oriented towards the electoral process. The police component was reinforced in August with the deployment of an 85-strong formed police unit from Senegal. An eighth formed police unit from Nigeria is expected to be deployed in October. Efforts are also under way to identify the remaining individual police officers, giving priority to francophone officers whenever possible.

30. Haiti is a transit point for illegal drugs and weapons. The illegal activities associated with this trade undermine the political, social and economic fabric of the country. Bilateral assistance will be crucial to reducing this threat. In addition, MINUSTAH is currently assessing the need for specialized observation aircraft to conduct surveillance and patrolling operations in the generally inaccessible land border and coastal areas.

B. Electoral security

31. On 27 September, a group of seven armed individuals entered the registration centre in Savanette in the Central province and stole equipment from the premises. Otherwise, only minor security incidents had affected the election process directly since the launching of voter registration on 25 April. These included incidents related to long lines at registration centres, minor assaults on individual electoral guards and theft and destruction of equipment. However, the potential for violence may increase during the campaign period, and this will be addressed in MINUSTAH planning.

32. MINUSTAH has developed an electoral security plan defining responsibilities and security arrangements on election days and the preceding days. Integrated United Nations teams within the regions will play a coordinating role under the overall authority of an integrated election-monitoring centre. The increased military and police capacities available to MINUSTAH will be in addition to those of the Haitian National Police and 3,600 local electoral security assistants (see S/2005/313, para. 10). Nevertheless, it is clear that the electoral period may be tense and that security capacities in the country will be stretched to the maximum.

C. Disarmament, demobilization and reintegration

33. The threat posed by members of the former military diminished during the reporting period, following the death on 9 April of self-proclaimed leader Ravix Rémissainthe (see S/2005/313, para. 16). MINUSTAH continued to make efforts to persuade groups of former soldiers to disarm voluntarily, although no progress has been made. Former military personnel continued to be primarily interested in

payments and pensions from the Transitional Government and public-sector jobs, particularly within the Haitian National Police or a reconstituted army. With regard to indemnity payments, the Demobilized Soldiers' Management Bureau, established by the Transitional Government, announced that it had made the first of three payments to 90 per cent of former soldiers, but that the resources for further payments had not yet been secured.

34. MINUSTAH increased contacts with elements close to other armed groups. Several rounds of negotiations were held in Port-au-Prince slums and locations outside the capital city. Hope for a possible breakthrough in Bel-Air arose following the operation in Cité Soleil on 6 July, when several community leaders told MINUSTAH that armed group members were ready to disarm. However, it turned out that many are reluctant to do so unless they are assured that they will not be attacked by the Haitian National Police or rival armed gangs. The National Commission on Disarmament, with the assistance of MINUSTAH, is devising a clear modus operandi for negotiating detailed criteria for eligibility for disarmament, demobilization and reintegration.

35. In the meantime, MINUSTAH and UNDP have begun to implement community-based projects aimed at increasing alternative livelihood options, thus reducing violence in the slums, and investing in capacity-building for the reinsertion of former armed delinquents. In addition, MINUSTAH and UNDP are developing a database that will help to manage the disarmament, demobilization and reintegration process by monitoring firearms and the situation of reintegrated individuals. It will also lay a foundation for an effective firearms-control mechanism, which could help the authorities to manage weapon possession.

D. Rule of law

36. The lack of strong and professional rule-of-law institutions remained one of the biggest challenges facing Haiti. Of particular concern was the pattern of alleged serious misconduct of Haitian National Police officers, including their alleged involvement in the summary execution of at least nine individuals on 20 August at a football game in the Martissant area of Port-au-Prince. MINUSTAH is conducting its own investigation and supporting the efforts of the national police to investigate the incident. MINUSTAH has produced a preliminary report on the incident, which has been given to the General Inspectorate of the Haitian National Police.

37. MINUSTAH is assisting the Haitian National Police in developing a reform plan, on the basis of a memorandum of understanding between the Haitian authorities and the Mission, which will seek to enhance both professionalism and technical skills and will cover vetting and certification of police officers. As a first step, MINUSTAH and the Haitian National Police commenced the provisional registration of national police officers with a pilot project in Jacmel in early September; as at 29 September, 209 officers and 158 weapons had been registered.

38. On 20 September, 778 officers completed their training at the Police Academy. Of these, 35 were women and 148 former members of the military. A new curriculum has been established with the support of MINUSTAH. It includes elements relating to child protection and HIV sensitization. Since March 2004, 1,546 officers have graduated from the academy. The formal curriculum is supplemented by guidance in the field from over 410 co-located MINUSTAH police

officers, who accompany and provide operational support to Haitian National Police officers in their daily activities, as well as specialist in-service training at 46 national police stations.

39. The judicial system continues to suffer from serious technical deficiencies, which undermine public confidence. The prolonged detention of former Prime Minister Yvon Neptune, whose committal to trial order was recently published, was widely perceived as symptomatic of the interference of political actors in the functioning of the judicial system. In addition, the recent release of Louis Jodel Chamblain, second-in-command of the paramilitary group known as the Front révolutionaire pour l'avancement et le progrès d'Haiti, convicted in absentia and sentenced for his involvement in various crimes in 1993 and 1994, tarnished the credibility of the justice system.

40. Over the past month and a half, some preliminary attempts were made by the Haitian authorities to address administration of justice and detention issues. The Minister of Justice published a workplan for the second half of 2005 that refers to 12 areas prioritized for action. President Boniface Alexandre and the Minister of Justice both expressed their support for the adoption of decrees on the independence of the judges. Two draft decrees are currently being reviewed regarding the statute of the School of Magistrates and the Superior Council of Magistrates. In addition, the Transitional Government established an ad hoc national commission to deal with prolonged pretrial issues, as well as a detention review commission in Port-au-Prince; it also initiated the refurbishment of prisons in Hinche and Mirebalais and launched the first jury trials in two years in Gonaïves, Hinche, Les Cayes and Fort-Liberté.

41. MINUSTAH is preparing a set of recommendations on how the Mission and the wider international community could assist in strengthening the Haitian judicial and correctional systems, on the basis of, inter alia, the findings of a criminal justice advisory team that was deployed in June. These recommendations will draw from the lessons learned from prior engagements in Haiti, including the need for a balanced approach to strengthen the police, judicial and corrections institutions in parallel.

IV. Human rights

42. Respect for the human rights of the Haitian population continued to be compromised by a mixture of criminal violence and the institutional deficiencies noted above. MINUSTAH is working to develop local capacities, including by training and advising local human rights organizations, while continuing to monitor human rights on the ground.

43. In pursuance of these goals, MINUSTAH documented widespread cases of unlawful arrests, ill-treatment and prolonged pretrial detention. In July 2005, 93 per cent of detainees were in pretrial detention, and the figure could now be even higher. While Haitian National Police operations increased towards the end of the reporting period, police and judicial authorities have failed to date to complete the investigations needed to obtain proper warrants and arraign, indict and prosecute suspected criminals. MINUSTAH received credible reports of elements of the Haitian National Police having been involved in a number of summary executions, including the Martissant killings referred to above, as well as in other acts of

banditry and violence. During the past three months, at least four cases of alleged summary executions have been investigated by the MINUSTAH Joint Special Investigation Unit. Furthermore, in some instances where police officers were found to have been involved in flagrant cases of misconduct, disciplinary measures that were taken served to protect them from formal inquiry and judicial prosecution. The Conseil supérieur de la police nationale has agreed to the establishment of a joint commission to investigate human rights abuses. MINUSTAH police are currently working on an implementation strategy.

44. In general, the daily lives of residents of Port-au-Prince city centre and its densely populated slums continued to be disrupted by frequent acts of violence, sexual assault, extortion, harassment and intimidation by armed gangs. Reportedly, kidnappers increasingly subject their captives to torture, rape and other forms of ill-treatment. Victims have come from all sectors of society and include a number of children.

45. In addition, MINUSTAH documented the killing of children in Cité Soleil and other poor districts during exchanges of fire between gangs and the Haitian National Police, and the continued use of sexual violence against children. During visits to the detention facilities of the Judicial Police on 2 July 2005, MINUSTAH found three cases of alleged torture against children held there.

46. To address the problem of alleged violations of children's rights by the Haitian National Police, MINUSTAH signed an agreement with the national police for the provision of comprehensive child-protection training for all new police recruits. All 778 newly trained members of the Haitian National Police participated in such courses. Furthermore, a joint nationwide awareness campaign against all forms of violence against children, including sexual abuse and child prostitution, was launched in collaboration with the Haitian Coalition for Child Rights.

V. Humanitarian situation and development

47. Alongside MINUSTAH efforts to address political, security and human rights issues, the international community continues to play a key role in responding to humanitarian and development needs, which must be met if Haiti is to achieve lasting stability. The installation of a new administration early next year may bring unrealistic expectations. It will be particularly important, during the period after the elections, that international support focus on employment-generation and translate into high-visibility projects.

A. Humanitarian situation

48. Two hurricanes, Dennis and Emily, have hit Haiti so far during the 2005 hurricane season. Together they killed 32 people and damaged 15 schools, 400 houses, 3 water-supply systems and 1 bridge on the southern peninsula. In some areas, agricultural loss is estimated at 20 to 25 per cent of the new harvest, exacerbating the effects of the drought earlier this year, which had already reduced agricultural output by more than 50 per cent in the most seriously affected areas (see S/2005/313, para. 36). Besides assisting during the relief efforts, MINUSTAH and United Nations agencies focused on increasing disaster preparedness in the country.

In this area, UNDP assisted in the preparation of a national action plan and the organization of two hurricane-oriented simulation exercises to test the national and United Nations coordination mechanisms. These preparations allowed for better coordination of inter-agency efforts during the two storms.

49. Violence continued to hamper the work of the humanitarian community in the slums of Port-au-Prince. Despite the difficult working conditions, the United Nations system and NGOs have implemented or continue to implement 47 projects in water and sanitation, education, infrastructure, health, human rights, gender, employment-generation, and disarmament, demobilization and reintegration.

B. Development, the Interim Cooperation Framework and quick-impact projects

50. The socio-political crisis continues to have a negative effect on Haiti's economic situation. Further implementation of the Interim Cooperation Framework (see S/2004/698, para. 25) and the economic recovery programme, as well as the emergency post-conflict assistance programme, helped to partially address economic imbalances. The increase in the price of oil and poor productive capacity, as well as the natural disasters which affected the country in 2004, were the key factors preventing economic recovery in 2005. The Transitional Government took a number of positive measures in the area of public finance, with a view to fighting corruption and smuggling, which helped to contain inflation and to stabilize the local currency. Nonetheless, human needs related to public health services, education, safe drinking water, security, justice and public infrastructure, remained pressing. Only 5 per cent of the 3,202 kilometres of national road network is considered to be of good quality.

51. The Transitional Government reported improvements in the disbursement of funds pledged under the Interim Cooperation Framework since May. Overall disbursal has increased by 19 per cent and is now on target with initial 2004-2005 projections of close to $500 million. Forty-five per cent of the disbursal has been for support of access to basic services, 10 per cent for economic recovery, 20 per cent for economic governance, 13 per cent for political governance and 12 per cent for budgetary aid, arrears and unallocated funds. The Transitional Government expressed its confidence that future disbursal will respect projected financial targets in 2005-2006. At a conference in Montreal on international assistance to Haiti on 16 and 17 June, the donor community reiterated its firm commitment to long-term support for the country and acknowledged the Transitional Government's appeal to enhance assistance in the areas of law and order, energy, rapid employment-generation and preparations for the new academic year.

52. The World Food Programme (WFP) continues its activities for the feeding of some 330,000 primary and secondary schoolchildren in the most insecure areas in the north, north-east, west and Artibonite. A national campaign by the Ministry of Health and Education, actively supported by WFP, treated some 700,000 schoolchildren for parasitic infections and provided training to more than 16,000 teachers and health workers. In May, WFP launched a new protracted relief and recovery operation, which will provide nutritional education and food assistance to 550,000 malnourished children, pregnant and nursing women, and people living with HIV/AIDS and tuberculosis. The United Nations Children's Fund and the

United Nations Population Fund launched a joint five-year programme to tackle the acute level of maternal mortality, aiming to reach out to 1 million women in the three northern and central provinces of Haiti.

53. During the fiscal year 2004-2005, MINUSTAH approved 98 quick-impact projects amounting to $969,873. The programme has benefited the populations of all 10 regions, covering areas such as agriculture, education, the environment, health, HIV/AIDS, human rights, gender, emergency relief, infrastructure rehabilitation, water and sanitation, and civic education. Forty quick-impact projects have been fully completed, with the remainder at varying stages of implementation. MINUSTAH has decentralized the programme for the fiscal year 2005-2006, empowering the regional offices to assess requests and make decisions, thus making the programme more responsive.

VI. Mission support

54. The MINUSTAH integrated Mission headquarters was fully established on 27 June. The renovations and move of Mission components to the headquarters has now almost been completed. As at 20 July, the planned integrated regional offices were operating throughout the country, and planning for support assistance for disarmament, demobilization and reintegration and the electoral process is progressing well. Suitable facilities for accommodating the additional formed police unit personnel, military troops and civilian police staff have been identified, and the required rehabilitation work is almost complete.

55. During the reporting period, MINUSTAH developed an implementation plan for its mandate, which details the respective roles of the various components of the Mission in achieving overall objectives. The plan is a tool to further improve intra-Mission coordination and integration efforts.

56. MINUSTAH continues to provide HIV/AIDS awareness training for its personnel. The initial training of 28 HIV counsellors took place in July 2005; voluntary counselling and testing services have now been launched for MINUSTAH personnel.

VII. Financial aspects

57. By its resolution 59/17 B, the General Assembly appropriated an amount of $494,887,000 (gross), equivalent to $41,240,583 per month, for the MINUSTAH Special Account for the period from 1 July 2005 to 30 June 2006. Following the adoption of Security Council resolution 1608 (2005), a report containing a revised budget for the period 1 July 2005 to 30 June 2006, amounting to $518,828,500, has been submitted to the Assembly for its review during the main part of its sixtieth session.

58. As at 31 July 2005, unpaid assessed contributions to the MINUSTAH Special Account amounted to $331.7 million. The total outstanding assessed contributions for all peacekeeping operations at that date amounted to $2,557 million.

VIII. Observations

59. Haiti is at a critical juncture. The prospects for a credible electoral process have been enhanced by the registration of a significant number of voters and the entry of candidates representing a broad range of political opinion. Progress has also been made in addressing urgent security threats. However, the gains that have been attained remain fragile, and there is a need for greater openness and improved decision-making in the electoral process. Other problems that need to be addressed include the existing technical problems in the electoral process, the possibility of increased violence during the campaign period and persisting impunity and disregard for human rights.

60. The primary responsibility for Haiti's recovery lies with the leadership of the country and its people. However, in order for Haiti to advance towards real stability and development, strong and sustained international support must be provided through MINUSTAH and through complementary and closely coordinated bilateral assistance. In this regard, the high level of commitment demonstrated by members of the Core Group on Haiti during the ministerial-level meeting that I convened on 17 September in New York, as well as during the recent high-level meeting of Latin American troop-contributing countries and the meeting of the Rio Group in Bariloche, Argentina, is encouraging.

61. The credibility of the elections will depend upon the confidence of candidates and their constituencies that the process is transparent and that a level playing field has been established. In this context, it is vital that the Transitional Government address without further delay the outstanding concerns regarding the electoral law and take measures to facilitate inclusive and participatory elections. It is essential to avoid any perception that the judicial process is being used in a way that could adversely affect political participation. The provision of public financing to political parties would help reduce the risk of reliance upon dubious sources of funding. The leaders of political parties, working together with the Transitional Government and civil society, should seek to reach out and build cooperation across party lines.

62. The 10 priority actions identified by MINUSTAH and OAS to overcome key technical and organizational challenges in the electoral process need to be taken urgently, and in particular the institutional capacity of the Provisional Electoral Council needs to be strengthened as a matter of priority. At the same time, the international community should stand ready to play a greater role in the organization of the electoral process to ensure its success. Such a role would require a commensurate short-term increase in resources for MINUSTAH.

63. The substantial financial support pledged by bilateral donors for the organization of the elections is appreciated. It is now urgent that pledges be fully disbursed and that the necessary resources be made available to cover the entire cost of the electoral process.

64. Despite recent improvements in the security situation and the success of large-scale joint security operations, more needs to be done to maintain pressure on illegal armed groups. Security operations should be accompanied by humanitarian and development assistance, for which the necessary resources should be provided in a timely manner. Bilateral donor assistance will also be required to permit a meaningful response to the security threats posed by drug and weapon flows.

65. Given the possible increase in tensions during the next phase of the electoral process, a useful message of reassurance and deterrence could be provided if one or more Member States indicated their readiness to back up the capabilities of MINUSTAH through the deployment, if required, of an offshore presence during this period.

66. The strengthening of Haiti's rule-of-law institutions, including reform of the Haitian National Police, is essential for the effective maintenance of internal stability and the extension of State authority. The need for reform of the Haitian National Police has been reinforced by recent, deeply disturbing reports of the involvement of some of its officers in serious crimes and human rights violations. However, there have been marked improvements in the level of cooperation and in the attitude of the Haitian national police leadership. The full commitment of the Haitian authorities to end impunity and develop professional values will be crucial for reform to proceed. Likewise, generous and sustained contributions from the international community, provided in close coordination with MINUSTAH and with the vetting and certification process, will be essential.

67. The reform of the police must be carried out in parallel with the improvement of the functioning of the judicial and penal systems in Haiti. Visible progress in these areas is vital for increasing public confidence in the viability of Haiti's future Government. The Transitional Government must make every effort to achieve progress on these reforms during the remainder of its mandate in order to provide a firm platform for the incoming elected Government.

68. It is also essential that the Haitian authorities work closely with MINUSTAH and the wider international community to strengthen the protection of human rights, end impunity and address cases of illegal, arbitrary and prolonged detention.

69. The administration that takes office after the elections will face important political, security and human rights challenges, while having limited technical capacity and few resources. Further significant assistance from the international community will remain indispensable, at least for the next few years.

70. The development of an effective strategy to assist Haiti will depend upon not only the political and security dimensions of stability being addressed, but also its social and economic aspects. Particularly during the period after the elections, unrealistic expectations could lead to instability. The generosity of donors will need to find tangible expression on the ground through labour-intensive projects that can help restore public confidence in the peacebuilding process. Donors will also need to support the central and local authorities, as well as to engage in longer-term poverty-reduction efforts.

71. I am grateful for the continuing engagement of those Member States contributing troops and police personnel to MINUSTAH, as well as to the members of the Core Group and to other organizations, agencies, contributors and donors for their support in the implementation of the MINUSTAH mandate. The lead role played by OAS in voter registration is particularly appreciated. Finally, I should like to pay tribute to my Special Representative, Juan Gabriel Valdés, and to the military, police and civilian personnel of MINUSTAH for their dedication and work in promoting peace and stability in Haiti.

Annex I

United Nations Stabilization Mission in Haiti: countries providing military staff and contingents (as at 29 September 2005)

Country	*Staff officers*	*Troops*	*Total*
Argentina	10	547	557
Bolivia	4	—	4
Brazil[a]	20	1 199	1 219
Canada	3	—	3
Chile	9	534	543
Croatia	1	—	1
Ecuador	1	66	67
France	2	—	2
Guatemala	3	80	83
Jordan	9	861	870
Malaysia	1	—	1
Morocco	4	164	168
Nepal	6	750	756
Paraguay	3	—	3
Peru	5	202	207
Philippines	2	155	157
Spain	2	200	202
Sri Lanka	5	750	755
United States of America	4	—	4
Uruguay	7	771	778
Yemen	1	—	1
Total	**102**	**6 279**	**6 381**

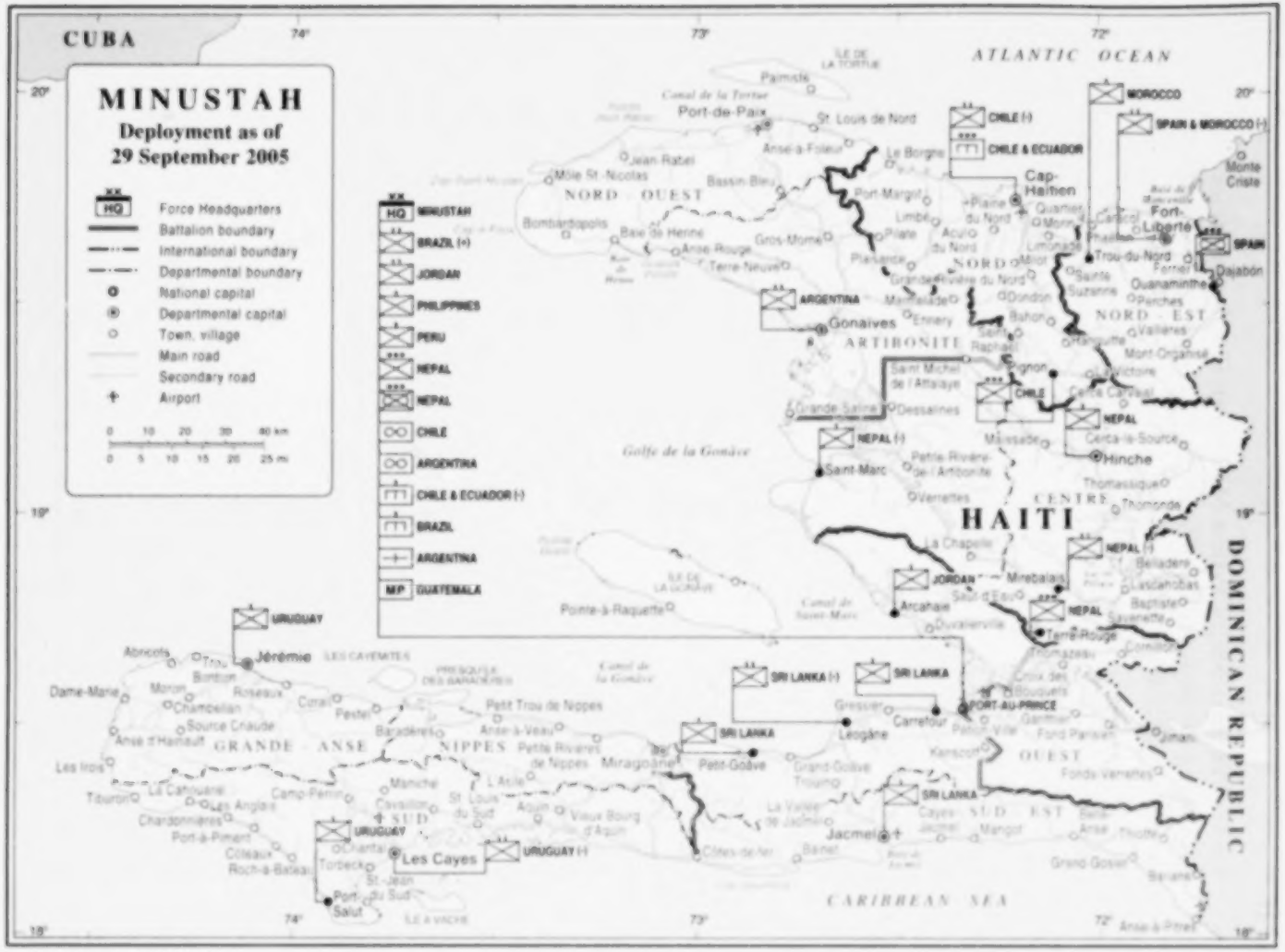
[a] Including the Force Commander.

Annex II

United Nations Stabilization Mission in Haiti: countries providing civilian police officers and formed police units (as at 29 September 2005)

Country	*Civilian police officers*	*Formed police units*	*Total*
Argentina	5	—	5
Benin	29	—	29
Bosnia and Herzegovina	10	—	10
Brazil	1	—	1
Burkina Faso	51	—	51
Cameroon	43	—	43
Canada[a]	80	—	80
Chad	19	—	19
Chile	11	—	11
China	9	125	134
Egypt	14	—	14
El Salvador	4	—	4
France	79	—	79
Ghana	26	—	26
Guinea	31	—	31
Jordan	7	287	294
Mali	13	—	13
Mauritius	2	—	2
Nepal	5	125	130
Niger	10	—	10
Nigeria	10	—	10
Pakistan	—	248	248
Philippines	19	—	19
Romania	5	—	5
Senegal	1	84	85
Sierra Leone	7	—	7
Spain	33	—	33
Sri Lanka	3	—	3
Togo	4	—	4
Turkey	9	—	9
United States of America	49	—	49
Uruguay	8	—	8
Yemen	2	—	2
Zambia	3	—	3
Total	**602**	**869**	**1 471**

[a] Including the Police Commissioner.



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Note verbale dated 29 September 2005 from the Permanent Mission of Costa Rica to the United Nations addressed to the Secretary-General

The Permanent Mission of Costa Rica to the United Nations presents its compliments to the Secretary-General and has the honour to transmit herewith a statement of the Ministry of Foreign Affairs and Worship relating to the filing before the International Court of Justice by Costa Rica of a case against Nicaragua concerning navigational rights of Costa Rica on the San Juan River (see annex).

The Permanent Mission of Costa Rica should be grateful if the Secretary-General would arrange for the present note and its annex to be circulated as a document of the General Assembly, under agenda item 74, and of the Security Council.

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Annex to the note verbale dated 29 September 2005 from the Permanent Mission of Costa Rica to the United Nations addressed to the Secretary-General

Costa Rica brings before the International Court of Justice the case concerning its navigational rights on the San Juan River

San José, Costa Rica, 28 September 2005

The Government of Costa Rica announced today that in the next few hours it will bring the case concerning its navigational rights on the San Juan River under relevant legal instruments before the International Court of Justice at The Hague.

The announcement was made by Dr. Abel Pacheco de la Espriella, President of Costa Rica, and Roberto Tovar Faja, Minister for Foreign Affairs and Worship, at a press conference held at the presidential palace at 4 p.m. today, Wednesday, 28 September 2005.

The Minister for Foreign Affairs indicated that he had today instructed the Ambassador of Costa Rica, Edgar Ugalde, to file the case before the International Court of Justice at The Hague.

The Minister will so notify the Government of Nicaragua in the next few hours in a note to be submitted by Roberto Tovar Faja, Minister for Foreign Affairs of Costa Rica, to Norman Caldera, Minister for Foreign Affairs of Nicaragua.

The President of Costa Rica said that, despite the progress achieved as a result of the Agreement signed on 26 September 2002 by the Ministers for Foreign Affairs of Costa Rica and Nicaragua, the issue of Costa Rica's rights with respect to the San Juan River remain in dispute.

He recalled that the mediation and arbitration mechanisms proposed by Costa Rica were not accepted by Nicaragua. "Consequently, pursuant to the principle of peaceful coexistence between nations and in keeping with Costa Rica's traditional respect for international law, we have decided to bring the case before the International Court of Justice".

"It is our hope that on this momentous occasion, the country will come together as a nation", noted the President, adding that "Costa Rica's rights take precedence over any individual interests".

The Minister for Foreign Affairs stated that Costa Rica "comes before the highest international judicial body so as to resolve once and for all the only source of disagreement with Nicaragua".

He reiterated that Costa Rica "is seeking no more or no fewer rights than are provided for under relevant legal instruments".

He noted that "resorting to the International Court of Justice could never be construed as wrecking the friendship between the two peoples. Both Costa Rica and Nicaragua have accepted the Court as a means of ensuring peaceful coexistence and mutual respect between their people".

"We come to the Court with the sincere hope that its decision will serve to eliminate forever any cause for dispute."

"It is my hope that by embarking on this course, we will bequeath to future generations bonds of friendship that will be impervious to any crisis. Such is the responsibility that history thrusts upon us."

United Nations S/2005/633

Security Council

Distr.: General
6 October 2005

Original: English

Letter dated 4 October 2005 from the Permanent Representative of Uganda to the United Nations addressed to the President of the Security Council

Upon instructions from my Government, I have the honour to forward to you herewith the observations of the Government of the Republic of Uganda on the nineteenth report of the Secretary-General on the United Nations Mission in the Democratic Republic of the Congo (MONUC) (S/2005/603) (see annex).

I should be grateful if you could have the present letter and its annex circulated as a document of the Security Council.

(*Signed*) Francis K. **Butagira**
Ambassador
Permanent Representative

05-53941 (E) 101005

Annex to the letter dated 4 October 2005 from the Permanent Representative of Uganda to the United Nations addressed to the President of the Security Council

Observations of the Government of the Republic of Uganda on the nineteenth report of the Secretary-General on the United Nations Organization Mission in the Democratic Republic of the Congo (S/2005/603)

1. Introduction

The Government of the Republic of Uganda welcomes the nineteenth report of the Secretary-General on the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC). The report, which is presented in accordance with Security Council resolution 1592 (2005) of 30 March 2005, highlights the work of the Organization in executing the mandate given under that resolution. It also analyses political developments inside the Democratic Republic of the Congo and the region.

2. Observations

2.1 Uganda believes that positive developments have taken place during the period under review. These include:

(a) The improvement in overall relations between the Democratic Republic of the Congo and neighbouring States;

(b) Expansion, though not to a sufficient level, of the capacity of Congolese Armed Forces (FARDC);

(c) Voter registration in preparation for the forthcoming elections;

(d) Limited forcible disarmament of negative forces.

2.2 The above positive elements of the report notwithstanding, Uganda further believes that the following areas were either not given due attention or were not correctly reflected in the report.

A. Diplomatic relations between Uganda and the Democratic Republic of the Congo

It is reported that "Uganda has yet to appoint an ambassador to the Democratic Republic of the Congo". This is not true. Uganda has had an ambassador designate to the Democratic Republic of the Congo for the last two years. On the contrary, it is the latter that has neither given an agreement to him nor appointed an ambassador to Uganda. It is therefore incumbent on the Congolese authorities to undertake the necessary steps to enable Uganda's ambassador to report to his station.

B. Dispersing militia groups in Ituri

It is stated in the report that operations by the combined MONUC and FARDC forces dispersed militia forces into surrounding areas. Dispersing these militias without disarming them leaves them with their capacity to disturb the peace. It is Uganda's view that all efforts should have been made to disarm them rather than

letting them go into the countryside with their arms. The potential to regroup and reorganize remains real.

C. Occasional collaboration of FARDC with the negative forces

Whereas it is recognized that due to poor pay and facilitation FARDC forces regularly collaborate with negative forces, no concerted effort was undertaken by MONUC to handle this problem. This remains one of the major ways in which the negative forces access arms and are allowed to reorganize. The international community needs to take urgent action to close this loophole since it is a key element in the violation of the arms embargo.

D. Targeted negative forces

While the report clearly mentions the FDLR as a force for destabilization in the region, it does not mention other forces, including ADF, NALU, PRA and the LRA, all of which have a significant and threatening presence in the Democratic Republic of the Congo. For durable regional peace to be realized, all the negative forces have to be comprehensively handled and forcibly disarmed. The intention to restrict their movement cannot and will not constitute a final solution to the problem.

E. Clear public commitments from the Government of Uganda on security guarantees and incentives for returning rebels

The report does not reflect the actual situation. Uganda has extended a clear and well publicized amnesty backed by law for any rebel who renounces rebellion. Many rebels have taken advantage of this through MONUC. For an extended period of time Uganda has been requesting, without success, that the Government of the Democratic Republic of the Congo and MONUC allow it to open an amnesty field office in Beni. The report should have reflected this fact.

3. Conclusion

Finally, Uganda wishes to fully endorse the Secretary-General's request for additional 2,580 personnel for MONUC and his call to the international community to increase its assistance to the Democratic Republic of the Congo in all areas, especially security reform.

United Nations S/2005/634

Security Council

Distr.: General
12 October 2005

Original: English

Letter dated 10 October 2005 from the Secretary-General addressed to the President of the Security Council

I have the honour to convey the attached communication, dated 6 October 2005, which I received from the Secretary-General of the North Atlantic Treaty Organization (see annex). I should be grateful if you would bring it to the attention of the members of the Security Council.

(*Signed*) Kofi A. **Annan**

05-54779 (E) 141005

Annex

Letter dated 6 October 2005 from the Secretary-General of the North Atlantic Treaty Organization addressed to the Secretary-General

In accordance with Security Council resolutions 1386 (2001) and 1510 (2003), I attach a report on the operations of the International Security Assistance Force covering the period 6 June to 31 August 2005 (see enclosure). I would appreciate your making this report available to the Security Council.

(*Signed*) Jaap **de Hoop Scheffer**

Enclosure

Quarterly report to the Security Council on the operations of the International Security Assistance Force

I. Introduction

1. In its resolution 1510 (2003), the Security Council requested the leadership of the International Security Assistance Force (ISAF) to provide reports on the implementation of its mandate. This is the eighth such report by the North Atlantic Treaty Organization (NATO), covering the period from 6 June to 31 August 2005.

2. As at 30 August, ISAF total strength was 11,551 personnel from 26 NATO nations plus 309 from 11 non-NATO nations. The increase in troops is due to additional resources deployed as part of ISAF assistance, at the request of the Government of Afghanistan, to provide security for the National Assembly and provincial council elections on 18 September 2005.

II. Security situation

Security in the International Security Assistance Force area of operations

3. The overall threat assessment for Afghanistan remains unchanged. As expected, the arrival of summer has resulted in an increased level of activity of opposing militant forces. Further increases in isolated violent incidents are expected with the approach of the National Assembly and provincial council elections. Additionally, local and regional power struggles linked to the elections and the possible contesting of seats in the new parliament are a possibility. Crime and drug-related violence also continue to pose day-to-day threats to the overall security situation.

4. The ISAF Kabul area of operation remained relatively calm during the reporting period. Kabul remains the centre of gravity for both the Afghan Government and the international community. As such, Kabul city represents an environment rich in potential targets, and several attacks have taken place against military facilities and Western embassies.

5. The northern area of ISAF operations has been calm but unstable. Major security concerns are related to criminal activity and factional fighting. A split within the Jumbesh organization has increased factional tensions. Whether this event heralds the decline of regional power-broker influence or merely a change in leadership remains to be seen. In parts of the region, the Government of Afghanistan has few tools to enforce law and order, and reports of corruption among officials are high. No significant change in the overall security situation is assessed, although a slow and steady rise in criminal-related incidents is projected.

6. The western area of ISAF operations is calm and remains relatively free of terrorism and crime. The region has a low presence and influence of opposing militant forces, even if these forces use transportation routes and rely on refuges in Farah province. ISAF estimates that, in the future, the presence of opposing militant forces in the western region may continue to diminish. Conversely, tribal power brokers, criminal leaders and drug lords have always remained just below the

surface of the relatively peaceful regional security environment. Although the threat from illegal militias in the west will remain low, relative to most of Afghanistan, these forces continue to pose the second greatest risk to the regional security, behind drug-related and criminal threats.

Security outside the International Security Assistance Force area of operations

7. In the southern region of the country, where the situation remains tense, the presence and activity of opposing militant forces, especially the Taliban, is a significant cause for concern in terms of security and instability. The Pashtuns dominate the south and many tolerate the presence of opposing militant forces, while at the same time rivalries between tribes severely hamper overall cohesion and effectiveness. Improvised explosive devices and rockets are typical weapons used in this area, although an increasing number of direct attacks have occurred against Afghan security forces and against forces of the United States-led Coalition.

8. In the eastern region of the country, which is also unstable, the presence and activity of opposing military forces is high. The proximity of the Pakistan border offers these forces manpower, material and refuge. While cross-border mobility has been hindered by Coalition and Pakistani-led anti-terrorism operations, opposing militant forces are still able to find shelter in the Afghan-Pakistan border area. Fundamental extremism with its manifestations may continue to exist in areas in the east. During the election period, further destabilization activities are expected in this region. Propaganda, rocket attacks, improvised explosive devices and the occasional suicide bomber may remain the main weapons used by the opposing militant forces.

International Security Assistance Force operations

9. ISAF took on responsibility for security assistance for Region West on 1 June 2005 in the provinces of Badghis, Farah, Ghor and Herat. Italy assumed lead-nation responsibility for the provisional reconstruction team in Herat. The United States has retained its provisional reconstruction team in Farah and transferred command responsibilities to NATO. Spain has established a provisional reconstruction team in Qala-e-Now, Badghis. Lithuania has established a provisional reconstruction team in Chagcharan, Ghor. To support these provisional reconstruction teams, Spain and Italy have established a Forward Support Base at the Herat city airfield. Overall regional coordination is provided by Italy.

10. NATO has provided additional forces to ensure a safe and secure environment for the National Assembly and provincial council elections scheduled for 18 September (see para. 15).

Security sector reform

11. Japan has coordinated the funding for and the international community's engagement in the disarmament and demobilization process, which officially ended on 7 July. The reintegration process has been planned and partially funded to continue until 30 June 2006. As at 10 August 2005, 63,800 Afghan militia forces have disarmed, 60,131 have demobilized and 58,560 have either begun or completed reintegration. Heavy weapons cantonment registers a total of 10,888 heavy weapons cantoned so far. The heavy weapons cantonment process is set to continue in Panjsher with the overall figure of 99 per cent of all known heavy weapons disabled

or cantoned to date. Emphasis has now shifted on implementing a country-wide programme of disarming illegal armed groups.

12. In terms of judicial reform, Italy has started a dialogue with the three main judicial institutions (Ministry of Justice, Office of the Attorney-General and the Supreme Court) in order to explain the need for the various aspects of the reform. The training of judicial officers in the provinces has proceeded successfully. It is currently being carried out in Herat. Four hundred fifty justice operators were trained under the aegis of the Interim Training Programme for the Afghan Judiciary. Twenty-five of those trainees proceeded to train 150 justice operators during phase I of the Provincial Justice Initiative. The United Kingdom has set up a criminal justice task force, which has trained judicial operators to hear counter-narcotics cases in Kabul, with 65 cases having been brought forward leading to 15 convictions and sentencing ranging from three to nine years. President Karzai has also signed a decree to allow court cases outside Kabul.

13. The Government of Afghanistan is also launching a 10-year strategic plan entitled "Justice for all", although Italy has submitted to the Afghan authorities a separate three-year plan. Talks are ongoing between the two parties in order to merge the two plans. Drafting of statutory law continues. At the provisional reconstruction team level, ISAF continues to provide provincial judicial data collection and supports promulgation of judicial information.

14. In the construction field, a multifunctional building (which will house courtrooms, a court of appeal, offices of the Attorney-General, etc.) has been built in Herat. The restructuring of the Security Court has started in Kabul. A piece of land in Kabul has been donated to build an open correctional centre for children. The United Nations Children's Fund will be involved in the construction of this building under the supervision and with the funding of Italy.

III. Support to the Afghan Government and to the United Nations Assistance Mission in Afghanistan

15. The main focus for ISAF will be the support to the National Assembly and provincial councils election process. ISAF will exercise its response and coordination capabilities in joint exercises with the Joint Electoral Management Board, the United Nations Assistance Mission in Afghanistan and the Combined Joint Forces Command in early September. ISAF will also deploy for exercises with the Election Support Force to verify procedures and enhance security through visibility and presence operations This strategy is intended to reassure voters and deter interference. In addition, ISAF will conduct area security activities in support of the Afghanistan National Army and Afghanistan National Police, as was the case during the presidential elections. Finally, ISAF will maintain its increased troop numbers until the end of the vote counting process in October.

16. The Afghan Interior Ministry, the Ministry of Counter-Narcotics and the British Embassy have announced significant progress in counter-narcotic operations with a number of successful interdiction operations against drug traffickers. Coordination of all players in this respect has improved. As outlined in the United Nations Office on Drugs and Crime report, there has been a significant drop in poppy cultivation levels in 2005 (down from 131,000 hectares in 2004 to 104,000

hectares this year; a fall of 21 per cent). In terms of cultivation eradication, around 5,100 hectares, or 5 per cent of the total crop, have been eradicated.

17. During the reporting period there were a number of successful interdiction operations by the Afghan Special Narcotics Force (ASNF) and the National Interdiction Unit (part of the Counter-Narcotics Police of Afghanistan). For the first time, the ASNF deployed in two provinces simultaneously. The Ministry of Counter-Narcotics moved into its new building, allowing for much-needed expansion of its staffing and capacity levels. It also launched its pre-planting information campaign with support from the United States and the United Kingdom.

Kabul International Airport

18. An initial strategic assessment of ISAF air operations up to 2015 has been prepared identifying airfields, air capabilities and air infrastructure required for ISAF to continue its mission in the medium to long term. However, NATO's firm intention is to hand over the entire responsibility for Kabul International Airport to the Afghan authorities in the longer term. To this end, a clearing house mechanism was set up to find synergies and coordinate efforts for the rehabilitation of Afghan airspace management.

19. NATO support to Kabul International Airport operations continues with Afghan firefighters completing training and currently on duty. Initial selection of Afghan civilian air traffic controller trainees is complete, as training is about to be initiated. Denmark has deployed a temporary solution by providing a radar to enhance situational awareness for controllers at Kabul International Airport, although this radar will need to be replaced by a permanent civilian air traffic control certified radar.

IV. Conclusion

20. ISAF continues to fulfil its United Nations mandate to support the Government of Afghanistan in the creation of a safe and secure environment.

21. Building on the successful experience during ISAF's support to the presidential elections, forces are being prepared to support the National Assembly and provincial council elections in support of the core Bonn Agreement objectives.

United Nations S/2005/635

Security Council

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7 October 2005

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Letter dated 7 October 2005 from the Secretary-General addressed to the President of the Security Council

As you are aware, following the Security Council's consideration of my report on the United Nations Interim Administration Mission in Kosovo (UNMIK), of 23 May 2005 (S/2005/335 and Corr.1), I appointed Mr. Kai Eide (Norway) as my Special Envoy to undertake a comprehensive review of the situation in Kosovo (Serbia and Montenegro). The purpose of the review was to assess whether the conditions are in place to enter into a political process designed to determine the future status of Kosovo, in accordance with Security Council resolution 1244 (1999) and relevant Presidential Statements. Mr. Eide has now submitted his report to me, which I attach.

As indicated in the report, Mr. Eide has concluded that, while standards implementation in Kosovo has been uneven, the time has come to move to the next phase of the political process. Based on the assessment provided in the report and further consultations I have undertaken, in particular with my Special Representative, Mr. Søren Jessen-Petersen, I accept Mr. Eide's conclusion. I therefore intend to initiate preparations for the possible appointment, in the light of the outcome of the forthcoming Council deliberations, of a special envoy to lead the future status process. In undertaking this sensitive exercise, the special envoy would be conscious of concerns in the subregion. I would emphasize that, at the same time, standards implementation must continue with greater commitment and results. Progress in this regard is essential for the success and sustainability of any future status process.

In the light of the comprehensive nature of the report presented by Mr. Eide, I do not intend to submit to the Security Council a separate report on the activities of UNMIK at this time. My next periodic report on UNMIK would therefore be issued by the end of January 2006.

I would like to take this opportunity to put on record my appreciation to Mr. Eide for accepting this important assignment and preparing an excellent report, as well as for his efforts to contribute to an environment conducive to taking the political process forward.

I should be grateful if you would bring the attached report to the attention of the members of the Security Council.

(*Signed*) Kofi A. **Annan**

05-54069 (E) 141005

Annex

A comprehensive review of the situation in Kosovo

Summary

This report contains a comprehensive review of the situation in Kosovo with the aim of assessing whether the conditions are now in place for initiating and conducting the future status process. The review has also been used to seek progress on the ground and to contribute to an environment conducive to taking the political process forward.

Following a period of political stagnation and widespread frustration, Kosovo has entered a new period of dynamic development. A political process is under way and is gaining momentum. It is based on a comprehensive political strategy, which includes the prospects for a future status process.

The standards implementation process is an important part of this dynamic. The record of implementation so far is uneven. Particular progress has been made in the development of new institutional frameworks. After the end of the conflict in 1999, there was a total institutional vacuum in Kosovo. Today, a comprehensive set of institutions has been established which includes executive, legislative and judicial bodies at the central as well as the local levels. Much progress has also been achieved in the development of a sustainable legal framework. The legislative work of the Assembly, the Government and UNMIK has been ambitious, covering essential areas of public life and the economy. Systems providing public services have been put in place across most of Kosovo. A civil service is taking shape. Over the recent period, a significant transfer of competences has occurred. The local leaders have gradually assumed ownership of their own institutions. The development of new institutions is undermined by a strong tendency among politicians to see themselves as accountable to their political parties rather than to the public they serve. Appointments are, therefore, regularly made on the basis of political and clan affiliation rather than competence.

The Kosovo Serbs have chosen to stay outside the central political institutions and maintain parallel structures for health and educational services. The Kosovo Serbs fear that they will become a decoration to any central-level political institution, with little ability to yield tangible results. The Kosovo Albanians have done little to dispel this fear. The interests of the Kosovo Serbs would be better served if their representatives returned to the Assembly. The Kosovo Albanian parties should stimulate such a process. The time has also come for Belgrade to abandon its negative position towards Kosovo Serb participation.

With regard to the economy, significant progress has been made. Economic structures have been established and modern legislation exists in many essential areas. Nevertheless, the current economic situation remains bleak. The unemployment rate is still high and poverty is widespread. Grave problems exist with regard to lack of public income as well as an antiquated energy sector. To improve the situation, serious efforts must be undertaken. There are, however, positive longer-term prospects. The privatization process is well under way. It could have a direct and positive impact on the economy in Kosovo as many of the socially owned enterprises have been idle. However, the privatization process could lead to discrimination in employment along ethnic lines and affect the sustainability of

minority communities. It is important to avoid such negative effects. Kosovo also has valuable and unexploited natural resources, which would turn Kosovo into an energy exporter in an energy-hungry region.

If a future status process is launched, this will certainly have a positive effect on the economy of Kosovo. However, the Kosovo authorities must understand that they cannot depend on the international community to solve their problems. They must take steps to ensure that shortcomings are addressed. Investment and integration will depend not only on status, but also on a predictable and stable Kosovo, where the rule of law is respected.

Today, the rule of law is hampered by a lack of ability and readiness to enforce legislation at all levels. Respect for the rule of law is inadequately entrenched and the mechanisms to enforce it are not sufficiently developed. The Kosovo Police Service (KPS) is gradually taking on new and more demanding tasks. However, crimes of a more serious nature or with ethnic dimensions remain difficult for the KPS to address. The Kosovo justice system is regarded as the weakest of Kosovo's institutions. The civil justice system is of particular concern, its increasing backlog of cases now stands at several tens of thousands. Combating serious crime, including organized crime and corruption, has proven to be difficult for the KPS and the justice system. It is hindered by family or clan solidarity and by the intimidation of witnesses and of law enforcement and judicial officials. For inter-ethnic crime, the law enforcement mechanism is also weak.

Organized crime and corruption have been characterized as the biggest threats to the stability of Kosovo and the sustainability of its institutions. These are widespread phenomena, but their level is difficult to assess. The government has not taken the necessary administrative and legislative action to fight organized crime and to prevent corruption in provisional institutions.

The Kosovo police and judiciary are fragile institutions. Further transfer of competences in these areas should be considered with great caution. In a deeply divided society, which is still recovering from post-conflict trauma, the establishment of ministries of justice and the interior could lead to the impression that they have fallen under the control of one political party or one ethnic group. The transfer of competences in such sensitive areas cannot work without a firm oversight, intervention and sanctioning policy. In the light of the limitations of the police and judicial systems, there will be a need for a continued presence of international police with executive powers in sensitive areas. The current ongoing reduction in the number of international judges and prosecutors is premature and should be urgently reconsidered.

With regard to the foundation for a multi-ethnic society, the situation is grim. Kosovo leaders and the international community should take urgent steps in order to correct this picture. The overall security situation is stable, but fragile. The level of reported crime, including inter-ethnic crime, is low. However, on the ground, the situation is complex and troubling, especially for minority communities. There are frequently unreported cases of low-level, inter-ethnic violence and incidents. This affects freedom of movement in a negative way. To correct this situation, it will be important to prosecute crime more vigorously. When perpetrators remain at large, a sense of impunity prevails. Belgrade should abstain from inflammatory comments, which could contribute to an insecure environment.

Respecting property rights is one of the most urgent challenges with regard to ensuring a truly multi-ethnic society. At present, property rights are neither respected

nor ensured. A great number of agricultural and commercial properties remain illegally occupied. This represents a serious obstacle to returns and sustainable livelihoods.

The overall return process has virtually come to a halt. The general atmosphere in many places is not conducive to return. Multi-ethnicity is often not seen as a goal. While overall statistics are hard to find, there is a widespread view that currently as many or more Kosovo Serbs are leaving Kosovo than are returning. A viable return process will require support and attention over a longer period of time, in particular to facilitate access to services and repossession of land. Greater attention will also be needed to those who have remained.

The return process is hampered by the fact that assistance is only provided to those who return to their home of origin. A more flexible policy of assistance should be considered to support the return of people to where they can live and not only to where they have lived. However, it must be ensured that a more flexible policy is not misused for political manipulation.

The continued existence of camps inside Kosovo is a disgrace for the governing structures and for the international community. The Roma camps in Plementina and Zitkovac are particularly distressing. They should be dealt with on an emergency basis.

The Serbian Orthodox religious sites and institutions represent a critical element of the spiritual fabric of Kosovo Serbs. They are also part of the world cultural heritage. There is a need to create a "protective space" around these sites, with the involvement of the international community, in order to make them less vulnerable to political manipulation.

To achieve sustainable return and viable minority communities, a wider decentralization process will be required. It could envisage enhanced competences in areas such as the police, justice, education, culture, the media and the economy. It could allow for horizontal links between Kosovo Serb majority municipalities. It would also facilitate the absorption of parallel structures into legitimate entities. However, it should not endanger central institutions in Kosovo or weaken Pristina's authority. The international community must stand ready to assist in the establishment of arrangements for wider decentralization.

There will not be any good moment for addressing Kosovo's future status. It will continue to be a highly sensitive political issue. Nevertheless, an overall assessment leads to the conclusion that the time has come to commence this process. The political process, which is now under way, must continue. Based on a comprehensive strategy, it has provided Kosovo with a political perspective. Kosovo having moved from stagnation to expectation, stagnation cannot again be allowed to take hold.

Further progress in standards implementation is urgently required. It is unlikely that postponing the future status process will lead to further and tangible results. However, moving into the future status process entails a risk that attention will be focused on status to the detriment of standards. It will require great effort to keep the standards implementation process on track. During the future status process, the international community will have a strong leverage to move standards implementation forward. That leverage must be fully exploited. Provided the future status process is properly handled, it can bring about further progress in standards implementation.

There is now a shared expectation in Kosovo and in Belgrade, as well as in the region, that the future status process will start. During this comprehensive review, there has been a gradual shift in the preparedness for such a process among the interlocutors. Furthermore, all sides need clarity with regard to the future status of Kosovo. It is of great importance that the future status process takes place at a time when the international community is still present in Kosovo in sufficient strength.

The future status process must be moved forward with caution. All the parties must be brought together — and kept together — throughout the status process. The end result must be stable and sustainable. Artificial deadlines should not be set. Once the process has started, it cannot be blocked and must be brought to a conclusion.

The international community will need strength to carry the future status process forward. The United Nations has done a credible and impressive job in fulfilling its mandate in difficult circumstances. But its leverage in Kosovo is diminishing. Kosovo is located in Europe, where strong regional organizations exist. In the future, they — and in particular the European Union (EU) — will have to play the most prominent role in Kosovo. They will have the leverage required and will be able to offer prospects in the framework of the European integration process.

A future status process should be accompanied by a clear expression by the international community that it is determined to stay and support this process as well as its outcome. The EU should, in the near term, consider stepping up its presence on the ground. When status has been determined, the EU will be expected to play a more prominent role, in particular with regard to the police and justice and in monitoring and supporting the standards process. The North Atlantic Treaty Organization (NATO) will also have to continue its presence. A United States contribution to the Kosovo Force (KFOR) is essential in order to provide a visible expression of continued engagement. The Organization for Security and Cooperation in Europe (OSCE) has a valuable asset in its field experience and expertise. This presence will continue to be required. A high representative or a similar arrangement should be considered, firmly anchored in the EU and with the continued involvement of the broader international community. A "Bonn Powers" arrangement could be envisaged in areas related to inter-ethnic issues.

A road map for integration into international structures would provide Kosovo with real prospects for the future. Belgrade will also need incentives for integration into Euro-Atlantic frameworks of cooperation. The EU decision to start negotiations with Serbia and Montenegro for a stabilization and association agreement represents a milestone in this respect.

Determining the future status of Kosovo will in itself be a demanding challenge. The international community must do the utmost to ensure that, whatever the eventual status, it does not become a failed status. Entering the future status process does not mean entering the last stage, but the next stage of the international presence.

Introduction

1. Following your report on the United Nations Interim Administration Mission in Kosovo (UNMIK) of 23 May 2005 (S/2005/335 and Corr.1), you asked me to undertake a comprehensive review of the situation in Kosovo based on the attached terms of reference. The review had a broad scope, with particular attention paid to whether the conditions were now in place for initiating and conducting the future status process. I also sought to use the leverage provided by the comprehensive review to promote progress on the ground and to contribute to an environment conducive to taking the political process forward.

2. Among all our experiences, I would in particular highlight the 10 days spent travelling all around Kosovo meeting with as many people as possible in numerous towns, villages and hamlets. This trip showed us what meetings in Pristina could not: how people live throughout Kosovo, the hardships they face and the hopes and fears they have for their future. In order to obtain an adequate understanding of the situation on the ground and the complex political environment, my team and I held extensive consultations with political leaders in Belgrade and Pristina; leaders of all communities in Kosovo; high-level representatives of Security Council members, key Member States, particularly those of the Contact Group and regional neighbours, and with regional organizations (EU, OSCE, NATO and the Council of Europe); UNMIK and other United Nations representatives in the field; and United Nations Headquarters. I would like to express my great appreciation for the openness and generosity with which we were received by all our interlocutors and the support provided to us by UNMIK.

3. The considerations and recommendations below represent my best judgement of where we stand and how we should now proceed in accordance with Security Council resolution 1244 (1999).

The context

4. The current political landscape must, of course, be seen in the light of the dramatic changes which took place following the end of the conflict in 1999. At that time, hundreds of thousands of Kosovo Albanians had returned to Kosovo and started to rebuild their lives. Most of the Kosovo Serbs had fled their homes. Kosovo was a society of widespread suffering and destruction for all communities. The economy lay in ruins. No democratic institutions existed. The province was placed under international administration, in accordance with resolution 1244 (1999).

5. Since then, a comprehensive process of rebuilding has taken place. Homes have been reconstructed. New institutions have been established covering all aspects of the society. Under difficult circumstances, the rebuilding of the economy has started. A new democracy is being built from the ground in a province without solid democratic traditions. The fledgling Kosovo institutions are struggling with the challenges of developing a sound legal framework and of providing services and security to the entire population. In order to guide and assist the rebuilding and development of Kosovo, the standards review mechanism was launched in 2003. This initiative was intended to help Kosovo achieve progress, which would allow a future status process to begin. However, the international community was

increasingly being seen as engaged in a holding operation, unwilling to address this crucial issue. There was a growing sense of frustration and stagnation.

6. The ending of the conflict in 1999 had profound implications for the relationship between the various communities in Kosovo, and in particular between the Kosovo Albanians and the Kosovo Serbs. From 1989, the authorities in Belgrade had controlled the instruments of power. The Kosovo Serbs had lived under the umbrella of Belgrade's rule over the province. Following the end of the conflict in 1999, the Kosovo Serbs saw the instruments of power gradually transferred to the majority-dominated Provisional Institutions of Self-Government. This dramatic change has had a strong impact — psychologically and politically — on the majority as well as the minority communities.

7. Today, the Kosovo Albanians demonstrate stronger self-confidence and assertiveness. They are — understandably — shaping their identity as a ruling majority population. This identity is — to a large extent — built on controversial events, personalities and symbols, often in opposition to the identities of Kosovo Serbs and other communities. Of course, this is a phenomenon seen in many societies in post-conflict situations. Mixed with this new assertiveness of the Kosovo Albanians is a lingering feeling of uncertainty over what Belgrade may do to prevent them from fulfilling their political aspirations. They see the Kosovo Serbs as instruments of Belgrade and therefore as part of a remaining threat to their future.

8. In contrast, the Kosovo Serbs are struggling to preserve their identity. They are experiencing pressure against important elements of this identity, such as their language, culture and religious heritage, as well as their economic survival. Other smaller communities are being further marginalized — politically, economically and culturally. In some cases, they are being assimilated.

9. The sense of stagnation and the tense relationship between the Kosovo Albanians and Kosovo Serbs led to the outbreak of violence in March 2004. It reflected the fact that inter-ethnic relations had to be seriously addressed and that a stronger sense of political perspective was urgently required. The international community could not live with a policy which was perceived as a policy of status quo.

10. In the report submitted to you on 6 August 2004 (S/2004/932 of 30 November 2004), a road map was presented in order to move out of a period of political stagnation and into a more dynamic political process. This road map contained an outline of a comprehensive strategy aimed at gaining political momentum leading to the opening of a future status process. It was based on the conviction that addressing the question of the future status of Kosovo should not be delayed much longer. The risks that would follow from a continued "wait and see" policy — in terms of increasing political, economic and social frustration — could soon be far greater than the risks related to a future status process.

11. This report seeks to provide a comprehensive assessment of the political situation one year later and looks closely at the prospects for a future status process. In order to determine whether the time has come to launch this process, a broad assessment of the situation in Kosovo must be made — going much beyond the implementation of standards. It must include considerations relating to more general developments in Kosovo, to the region as such and to the work of the international community. The key question is whether sufficient political maturity and

preparedness exist to initiate this process or whether such a decision is still premature.

12. There are today new and dynamic developments in Kosovo. The process of implementing standards is an important part of this dynamic. It has provided a sense of momentum, which for years had been lacking. But the goals of the standards process are ambitious. They cannot be met over a short period of time. This was emphasized in the report of 6 August 2004 referred to above. The standards process will require constant and determined efforts, stretching into and beyond the process of defining the future status of Kosovo. Rather than producing progress, unrealistic expectations could reinforce a sense of stagnation in the society. They could enhance the temptation to turn the standards process into a "window dressing" exercise, to the detriment of results on the ground.

13. At the same time, a future status process without adequate progress on standards could damage efforts to enhance respect for the rule of law, which would affect all the people of Kosovo — irrespective of ethnic belonging. Such a process could put Kosovo minority communities at greater risk and endanger the multi-ethnic character of Kosovo. An internally unstable Kosovo would make it even more difficult to define and implement a viable future status.

14. The international community has put tremendous energy into the process of implementing standards. It has engaged the leaders of Kosovo in a broadly based and common effort. Structures have been set up in the Kosovo government to facilitate the standards process, which has become a centrepiece of its activities and has led to an improved bureaucratic culture. The process has itself been a major achievement.

15. Many of those involved — from all communities — are committed to the success of the standards process. They have the ambition to create a society with a European perspective, based on good governance and the rule of law. The Kosovo Albanians are also generally motivated by the desire to enter the future status process. However, among Kosovo Albanians there is also a tendency to see standards implementation as an exercise imposed from outside and one that they have to go through in order to reach the status process. Genuine support for its underlying principles and objectives is often lacking. The strong verbal support for the standards process has therefore not been adequately translated into a profound commitment to concrete results. This applies to political leaders both inside and outside of government. The lack of unambiguous impulses from Pristina is reflected at the municipal level. Progress has often been a result of international pressure rather than local engagement.

16. Standards implementation is complex and multifaceted. In last year's report, it was underlined that it must become not a technical and bureaucratic process, but a political and impact-oriented exercise. This is still a concern. It is important to ensure that the process itself does not absorb so much attention and energy that it diverts attention from the impact it should have on people where they live. It must also permit attention to be directed to critical areas where bottlenecks may exist at any stage of the process. An overarching approach is required, where each standard supports the others and where they are all measured in this broader context.

The challenges

Building the institutional foundation

17. Well-functioning institutions are a prerequisite for the development of a democratic society, a healthy economy and respect for the rule of law. After the end of the conflict in 1999, there was a total institutional vacuum in Kosovo. Today, a comprehensive set of new institutions has been established. This represents a tremendous achievement. Executive, legislative, judicial and other institutions have been set up at the central as well as the local levels. New ministries are planned for later this year. A civil service is gradually taking shape. Over the recent period, a significant transfer of competences has taken place. The local leaders are gradually taking ownership of their own institutions. The level of democracy has improved over a short period of time. Furthermore, much progress has been achieved in the development of a sustainable legal framework. The legislative work of the Assembly, the Government and UNMIK has been ambitious and covered essential areas of public life and the economy.

18. The Assembly elections in October 2004 were also a significant success. They were free, fair and transparent and the first to be largely organized by Kosovo authorities. Following the elections, the maturity of the Assembly was faced with the new test of a strong opposition confronting the governing coalition. Both sides, as well as the Assembly leadership, had to learn their new roles, an exercise which has proven to be difficult. A parliamentary culture has not yet firmly taken root. Nevertheless, the work of the Kosovo Assembly has steadily improved.

19. The development of new institutions is undermined by a strong tendency among politicians to see themselves as accountable to their political parties rather than to the public they serve. The political parties tend to consider new institutions and the civil service as "their" domains. Appointments are, therefore, regularly made on the basis of political or clan affiliation rather than competence. Many civil servants are concerned about this inability to distinguish between the political authorities and the civil service and the hampering effect it has on the development of a durable and stable administration. Accountability mechanisms have largely been put in place to address irregularities and to ensure that established legislation and procedures are followed. However, they do not offer adequate protection. There is also ample evidence of insufficient respect for the Serbian language as the second official language of the provisional institutions.

20. Over the past five years, Kosovo has also established comprehensive educational and health-care systems as well as other public services. There are serious shortcomings in the quality of the services provided. The level of medical services is low and in some cases close to the standards of developing countries. In the educational system, modernization and de-politicization are urgently needed. However, the fact that services are now provided across most of Kosovo represents a significant achievement.

21. The Kosovo Serbs have chosen to stay outside of the central political institutions and maintain parallel structures for health and educational services. Many appeals have — without results — been directed to Kosovo Serb representatives to re-enter central political institutions. This relates first and foremost to the Assembly, since participation in a government formed by two

Kosovo Albanian parties, with the declared objective of independence for Kosovo, would be even more controversial. The Kosovo Serbs fear that they would become a decoration to any central-level political institution, with little ability to yield tangible results. This fear is understandable and the Kosovo Albanians have done little to dispel it. However, the overall interests of the Kosovo Serbs would be better served if their representatives returned to the Assembly. The Kosovo Albanian parties could stimulate such a process by making it clear that they will respect the Kosovo Serbs and other minority communities as voices with legitimate concerns rather than considering them as a limited number of votes that can easily be outnumbered. The negative attitude of the authorities in Belgrade — including failure to support Kosovo Serb participation in the 2004 elections — has contributed significantly to the absence of Kosovo Serbs from central political institutions. The time has come for Belgrade to abandon this position. In fact, had the Kosovo Serbs participated in those elections, they would — with reserved and elected seats together — have been able to influence the debates of the Assembly and even the formation of a government.

22. The numbers of Kosovo Serbs and members of other minority communities in the bureaucratic structures of the provisional institutions are also low. That is particularly the case in senior management positions. The recruitment of minorities has too often been seen as a question of filling a quota rather than one of providing meaningful participation. Clearly, the Kosovo Albanians should increase their efforts to create a multi-ethnic civil service. However, the Kosovo Serbs and other minorities must also demonstrate an interest in applying for positions in the governmental structures and be prepared to take active part.

23. The parallel structures for health and educational services located in Kosovo Serb populated areas are mainly financed by the Serbian government. The continued existence of these structures is a political demonstration as well as a reflection of the mistrust between the two communities. For Belgrade, it is an element of political influence. The current problem with regard to parallel structures is in many ways similar to the Kosovo Albanian parallel structures prior to 1999. Today, the parallel structures are probably the only realistic way to ensure the provision of adequate services to Kosovo Serbs. Solving the problem of parallel structures would require serious and practical incentives from the Government and a de-politicization of the issue by all sides. It is a problem which can most likely only be solved during a future status process.

24. The functioning of the new Kosovo institutions is very uneven. There is a significant lack of experience and expertise. Building new institutions and transferring competences must therefore go hand-in-hand with a focused international support to capacity-building. International efforts have — as so often in post-conflict situations — been sporadic and driven by short-term initiatives from the outside rather than long-term requirements inside the institutions. The government has now elaborated its own programme for capacity-building, in an effort to take greater ownership of this process. Nevertheless, an emerging sense of local ownership will not reduce the need for international support. Capacity-building will require a longer-term perspective. A better run and de-politicized university would also make a valuable and long-term contribution to capacity-building.

25. During the course of its evolution from a controversial past, the Kosovo Protection Corps (KPC) has continued to improve in the performance of its mandate

as a civil emergency organization. The efforts of the KPC towards fulfilling its standard are to a large extent due to its leadership. Recently, the KPC has become more professional. It provides assistance in reconstruction efforts and has started to recruit minority members, which is a difficult undertaking. There remains a deep mistrust of the KPC, particularly on the part of the Kosovo Serbs. The underlying issue relating to the KPC is its origins and the aspirations among many of a possible future role. Given the sensitivity of this issue, it will need to be addressed in connection with the future status process and in the light of the future requirements of Kosovo.

The economic challenge

26. The development of viable institutions and the quality of services are strongly and negatively affected by the current economic situation in Kosovo. Today, this economic situation remains precarious. In spite of some progress, many live in poverty and the unemployment rate is high. The situation is felt by most of the population, but minority communities and especially vulnerable groups are affected in a disproportionate way.

27. One of the most worrying aspects of the economic situation is the forecast for public income for 2006. According to current estimates, public income will be far from adequate to cover recurrent costs and the need for investments. A serious budget deficit can be expected. The Government must now take action to develop an improved system for the collection of taxes and utility bills and to bring the grey economy into legality. Such efforts would increase public income and reduce dependence on international assistance.

28. The energy sector is one of the most promising long-term assets of Kosovo. It is also one of its most troubling challenges. The Kosovo electricity company (KEK) suffers from antiquated technology, power outages and a dramatic lack of income from its customers. Last winter, a number of villages were disconnected owing to lack of payment by customers. This winter, there could be similar disconnections. However, they should not be portrayed as an inter-ethnic problem. All communities are affected.

29. There are also important positive developments. When the armed conflict ended in 1999, there was an almost complete lack of economic structures and legislation. Today, such structures have been established and modern legislation exists in many essential areas. The establishment of regulatory bodies and the continuing development of the banking sector are among the achievements contributing to potential economic development. The well-functioning Ministry of Finance and Economy has — with the cooperation of international and local experts — developed a framework for the management of a modern economy. The Kosovo Development Plan will also — when it is ready — give the province a valuable instrument to guide its economic future.

30. Today, the privatization process is well under way after long delays. The Kosovo Trust Agency expects that 90 per cent of the value of the socially owned enterprises will be privatized by next spring. This process could have a direct and positive impact on the economy in Kosovo, as many of the socially owned enterprises have been idle. Most of the privatized enterprises are taken over by Kosovo Albanians in Kosovo or residing abroad. High-level government officials

are concerned that many of the investments will not lead to productive business activity. There is a potential for using the privatization process for money-laundering purposes. Furthermore, it is important to take into account the effects of this process on the different ethnic groups. The privatization process could lead to discrimination in employment along ethnic lines and affect the economic sustainability of minority communities. This process must move forward, but in a way which safeguards the interests of the minority population during and after privatization. A more constructive engagement of Belgrade in the privatization process would promote this aim.

31. Kosovo also has valuable and unexploited natural resources, in particular lignite and other mining reserves, as well as important agricultural potential. With improved technologies and infrastructure, the lignite reserves could turn Kosovo into an energy exporter in an energy-hungry region. Solving questions related to property rights would facilitate the productive use of uncultivated land, enabling Kosovo to reduce its current unacceptably high imports of agricultural products.

32. Altogether, the economic situation is characterized by serious short-term problems, but also positive longer-term prospects. If a future status process is launched, this will certainly have a positive effect on the Kosovo economy. It would create new optimism and confidence in the future. With future status determined, a firmer basis for investments, loans and cooperation with international actors will be in place. The Kosovo authorities should, however, understand that they cannot depend on the international community to solve their problems. They must themselves take steps to ensure that shortcomings are addressed, for instance with regard to strengthening public income. Furthermore, investments and integration will not only depend on status. They will also depend on a predictable and stable Kosovo, which respects the rule of law.

Enhancing respect for the rule of law

33. The rule of law is affected by the strength of institutions and the viability of the economy. It also depends on the development of a legal framework, where significant progress has been made. The main challenge today is the lack of ability and readiness to enforce legislation at all levels. Respect for the rule of law is inadequately entrenched and the mechanisms to enforce it are not sufficiently developed.

34. The Kosovo Police Service (KPS) — the most multi-ethnic of the Kosovo institutions — is gradually taking on new and more demanding tasks, including riot control. Across Kosovo, the responsibility for its operations has been transferred to the KPS, with the international police in a monitoring role. The work the KPS has undertaken in relation to common offences within one ethnic community is increasingly respected by the population. Crimes of a more severe nature or with ethnic dimensions remain difficult for the KPS to address.

35. The Kosovo justice system is generally regarded as the weakest of the Kosovo institutions. The civil justice system is of particular concern; its increasing backlog of cases now stands at several tens of thousands. This affects everyone in Kosovo, lowering respect for the rule of law and contributing to a climate of impunity. Many of the cases pending are property claims by minorities.

36. Combating serious crime, including organized crime and corruption, has proven to be difficult for the KPS and the justice system. It is hindered by family or clan solidarity and by the intimidation of witnesses as well as of law enforcement and judicial officials. For serious inter-ethnic crime, the law enforcement record is also weak. Far too few perpetrators of serious crimes are ever brought to justice. Other crimes — such as theft of livestock and agricultural equipment belonging to minorities and illegal use of agricultural land — are also rarely prosecuted. This reinforces the sense that criminals can operate with impunity.

37. Organized crime and corruption have been characterized as the biggest threats to the stability of Kosovo and to the sustainability of its institutions. Some high-profile cases related to organized crime, including human and drug trafficking, have been properly investigated by the international community and the perpetrators have been brought to justice. These individual cases confirm that organized crime represents a serious threat to Kosovo.

38. Corruption is a widespread phenomenon in Kosovo, but the level is difficult to assess. In selected areas, such as the customs service, serious efforts have been made to combat institutional corruption by putting effective systems of accountability in place. The government has not taken the necessary administrative and legislative action to fight and prevent corruption in the provisional institutions. An anti-corruption law is in place, but the establishment of the anti-corruption agency has been delayed. The process is slow and without a convincing sense of commitment. Over the past six years, international police, prosecutors and intelligence officials have tried to address corruption, but have failed to go much beyond the surface of the problem. Clan solidarity, codes of silence, language problems and inexperienced local law enforcement institutions have all contributed to this failure. A joint effort by the international community and fully committed Kosovo authorities could bring progress in this area. Such an effort could certainly have a significant impact and demonstrate a readiness to address such crimes.

39. The Kosovo police and judiciary are fragile institutions. Further transfer of competences in these areas should, therefore, be considered with great caution. New ministries of justice and the interior should be placed under the leadership of individuals enjoying a high degree of confidence in all communities and in all political parties. Such individuals will be hard to find. In a deeply divided society, which is still recovering from the post-conflict trauma, these two ministries could easily be regarded as having fallen under the control of one political party or one ethnic group. Transfer of competences in such sensitive areas cannot work without a firm oversight, intervention and sanctioning policy. The multi-ethnic composition of the KPS and the trust it enjoys is fragile. Transfer of competences in this area could have a centrifugal effect on the KPS, making it difficult to maintain its multi-ethnic composition. This challenge will be even greater in a period in which possible future status talks would place its multi-ethnic character under pressure.

40. In the light of the limitations of the police and judicial system, there will be a need for a continued presence of international police with executive powers in sensitive areas. A continued presence of international judges and prosecutors will also be required to handle cases related to war crimes, organized crime and corruption as well as difficult inter-ethnic cases. The currently ongoing reduction in the number of international judges and prosecutors is premature and should urgently be reconsidered. The result of such reductions would be a further loss of credibility

of the justice system and of confidence in it among the population in general and the minority communities in particular. There is little reason to believe that local judges and prosecutors will be able to fulfil in the near future the functions now being carried out by international personnel.

41. Caution is also required with regard to the future of the Kosovo Police Service School. This is one of the most successful endeavours of the international community in Kosovo. The time has not yet come to replace the international management of this school. The police force must be, and must seem to be, trained in a politically neutral environment. Only then will the multi-ethnic composition of the KPS be ensured and the level of its acceptance by all communities be enhanced.

42. Improving respect for the rule of law will also require a strengthening of human rights instruments. The current plan to establish a Human Rights Advisory Panel could contribute to a greater protection of human rights. The creation of a Special Panel on Human Rights of the Supreme Court should also be considered.

43. The Ombudsperson Institution is one of the main human rights instruments in Kosovo today. In the current human rights climate, it will be important to avoid a weakening of this Institution when it is transferred to local ownership. The international community must ensure that the current powers and competences of the office are not diluted and that its credibility is ensured.

The inter-ethnic challenge

44. In Security Council resolution 1244 (1999), emphasis is placed on maintaining Kosovo as a multi-ethnic society. The inter-ethnic challenge has a number of components — providing security, ensuring property rights, promoting return and protecting the identity of minority communities. Regrettably, little has been achieved to create the foundation for a multi-ethnic society. The Kosovo leaders and the international community should take urgent steps to correct this grim picture.

Security

45. With regard to security, the overall situation is stable. The level of reported crime — including inter-ethnic crime — is low. In general, the political leaders attach great importance to maintaining stability and security. They understand that any outbreak of violence would seriously damage the international reputation of Kosovo and their political ambitions. In its task of providing overall security, KFOR has become more efficient and able to react quickly throughout Kosovo. The KPS is now better trained and equipped. Nevertheless, the situation remains fragile — as has been illustrated by events over the past weeks.

46. On the ground, the situation is complex and troubling — especially for the minority communities. Statistics can easily be misleading. While the level of reported inter-ethnic crime is low, there are frequent unreported cases of low-level, inter-ethnic violence and incidents. They do not appear in the statistics. Harassment, looting, stealing of cattle and other similar incidents occur very frequently. This is in addition to the widespread illegal occupancy of property, especially agricultural land, which makes it impossible to gain access to such property and to use or cultivate it without a security risk. Moreover, Kosovo is a small place, where incidents in one part become rapidly known in others. In this situation, the minority

communities — and especially the Kosovo Serbs — suffer from more than a perceived insecurity. It is indeed a mixture of reality and perception. To combat this situation, it will be important to prosecute crime more vigorously. When perpetrators remain at large, a sense of impunity prevails. Where there is freedom of movement for the perpetrators, it is hard to convince the victim that he or she enjoys the same freedom.

47. The low number of reported inter-ethnic incidents partly also stems from the fact that the minorities tend to avoid or reduce to a minimum their contacts with the majority population. It is difficult to expect that people from minority communities should take risks in order to verify whether freedom of movement and security are perceptions or facts. That being said, the authorities in Belgrade should abstain from inflammatory comments or premature reactions to incidents of violence when they occur. Statements of this nature also contribute to an insecure environment.

Property rights

48. Ensuring property rights is one of the most urgent challenges with regard to ensuring a truly multi-ethnic society. It is a general rule-of-law question affecting all communities. However, it is crucial for the minority communities — particularly the Kosovo Serbs — and for their prospects for return and survival. At present, property rights are neither respected nor ensured. Illegal construction and occupation of homes and agricultural and commercial property are widespread phenomena.

49. A great number of agricultural and commercial properties remain illegally occupied. This represents a serious obstacle to returns and sustainable livelihood. Although most residential property claims have been adjudicated, less than half of the decisions have been implemented. Local courts have a serious backlog of property-related cases amounting to tens of thousands. It is a situation that cannot be allowed to continue. The Government and the international community must urgently address this issue and find alternative ways to solve outstanding cases and to implement the decisions which have been made.

The return process

50. Lack of security and respect for property rights as well as uncertainty about the future contribute heavily to the fact that the overall return process has virtually come to a halt. There is a strong feeling that those who commit crimes enjoy impunity and that the possibility for establishing viable livelihoods is very limited. The great majority of the people who left Kosovo after June 1999 have not come back. Most of those who left after the violence of March 2004 have returned, although a number of them have again abandoned their homes. Even if houses and many of the secondary buildings have now been reconstructed, returnees find the start-up compensation of €2,000 insufficient to cover the loss of movable property. A viable return process will require support and attention over a longer period of time, in particular to facilitate access to services and repossession of land. Greater attention will also be needed to those who have remained. The sustainability of the existing communities must become an integral part of the return strategy. For every family leaving, the prospect of returns to their village or town will diminish.

51. Kosovo Albanian leaders have committed themselves to the return process. However, this is the "Pristina reality". The reality on the ground is different. The security situation, insufficient access to justice, lack of protection of property rights,

and uncertain political and economic prospects discourage return. Furthermore, the general atmosphere in many places is not conducive for return. Multi-ethnicity is often not seen as a goal. With some exceptions, Kosovo Serbs will therefore only return to places where they can find safety in numbers, with access to their own services. Few Kosovo Serbs still live in urban areas with the Kosovo Albanian population and return there is more difficult as the pressure from the majority community is greater and the means of economic survival are limited.

52. While reliable overall statistics are hard to find, there is a widespread view — including in the international community — that currently as many or more Kosovo Serbs are leaving Kosovo than are returning. There are reports that an increasing number of returnees are selling their property and leaving again.

53. The return process is also hampered by the fact that assistance is only provided to those who return to their home of origin. It is, for instance, unlikely that those who fled Pristina in 1999 will return to their home of origin in the foreseeable future. They may, however, wish to establish a home elsewhere in Kosovo. A more flexible policy of assistance that would enable returnees to resettle in the area of their choice should be considered. This would allow returnees to create more viable communities in Kosovo. Support would thereby be provided to people where they can live and not only where they have lived. This is a complex matter, since a more flexible policy could also be misused for political manipulation and for pursuing political goals. It cannot mean giving up commitments to those who wish to return to their homes and who need support to fulfil their aspirations. It cannot be a substitute for current policies, but should be a supplement to them.

54. The situation of internally displaced persons inside Kosovo is frequently neglected. The continued existence of camps inside Kosovo is a disgrace for the governing structures and for the international community. The Roma camps in Plementina and Zitkovac are particularly distressing and made worse by serious health hazards. They should be dealt with on an emergency basis.

Serbian Orthodox religious sites and institutions

55. The Serbian Orthodox religious sites and institutions represent a critical element of the spiritual fabric of Kosovo Serb society. The sustainability of the Kosovo Serb community in Kosovo is related to the preservation of its cultural and religious heritage. However, the Serbian Orthodox sites also represent more than an important part of Serb identity. They are a part of the world cultural heritage. Many of these sites have been seriously damaged or destroyed since 1999. Finally, the reconstruction is now about to start. However, they will continue to need protection. While the readiness of KFOR to maintain its protection of religious sites is essential, a durable solution cannot be built on military forces.

56. There is a need to create a "protective space" around these sites in order to make them less vulnerable to political manipulation. Arrangements should be found that would place Serbian Orthodox sites in Kosovo under a form of international protection. This would need to include guarantees of access, property rights, and community sustainability. It is important not only to protect individual sites as cultural and religious monuments, but also as living communities. The Council of Europe and the United Nations Educational, Scientific and Cultural Organization (UNESCO) have particular expertise in this area and should be invited to play a role in such arrangements.

57. The Serbian Orthodox Church is experiencing pressure against its identity. In addition to intimidation and threats, there are attempts to rewrite the history and origin of Serbian Orthodox heritage. They see uncontroversial and neutral names of streets in the vicinity of their sites being changed and "albanized". The Kosovo Albanian leaders should react and bring a halt to these activities.

Decentralization

58. To achieve sustainable return and viable minority communities, a process of decentralization will be required. It will improve the ability of non-Albanian communities in Kosovo to protect their identity and livelihood, build their confidence in the future and encourage them to take a more active part in the governing institutions of Kosovo.

59. Already in 2002, decentralization was promised to the Kosovo Serbs in return for their participation in the elections and the provisional institutions. However, until recently, real efforts and political will have been lacking. During the summer of 2005, a desire to achieve quick results led to a less ambitious approach and insufficient consultations with those involved. The result has been "too little, too late". Progress has been made on pilot projects for non-Serb areas. However, the current stalemate with regard to those in Kosovo Serb majority areas is unlikely to be resolved.

60. Decentralization should now be seriously addressed in a wider framework, which would result in a meaningful devolution of powers and enhanced competences at the local level. Such a framework could include a number of new municipalities where the Kosovo Serbs, in particular, would have a comfortable majority. It could envisage enhanced competences in areas such as the police, justice, education, culture, the media and the economy, including the appointment of key officials. It could allow for horizontal links between Kosovo Serb majority municipalities. Arrangements could also be considered for special ties to Belgrade, without giving Belgrade any authority in such communities. An ambitious decentralization plan, with special competences going beyond those given to all other municipalities, should not endanger central institutions in Kosovo or weaken Pristina's authority. It would establish effective institutional guarantees for the minorities, increase confidence in the central institutions of Kosovo and contribute to a situation where such municipalities would be under the authority of Pristina. Furthermore, it would facilitate the absorption of parallel structures into legitimate entities.

61. The international community must stand ready to assist in the establishment of arrangements for wider decentralization. Lessons should be drawn from similar — albeit not identical — processes in the former Yugoslav Republic of Macedonia and in southern Serbia. In both cases, the international community contributed a significant effort to give the local Albanian populations the breathing space required to protect their interests and maintain their identity in a multi-ethnic environment. The international community should now be prepared to act with the same determination to protect the interests of Kosovo Serb and other minority communities.

The way forward

The future status process

62. There will — as stated in last year's report — not be any good moment for addressing the future status of Kosovo. Determining Kosovo's future status remains — and will continue to be — a highly sensitive political issue with serious regional and wider international implications. Nevertheless, an overall assessment leads to the conclusion that the time has come to commence this process.

63. Since last year, a political process has been under way in Kosovo, driven by a more dynamic international engagement. It has been based on a comprehensive strategy that has provided Kosovo with a political perspective. This process should continue. It cannot be interrupted or brought to a halt. Kosovo will either move forward or slide backwards — having moved from stagnation to expectation, stagnation cannot again be allowed to take hold there.

64. Progress with regard to standards implementation is very mixed. Further progress is urgently required. However, it is unlikely that postponing the future status process will lead to further and tangible results in the implementation of standards. Progress can only be achieved if the sense of a political perspective is maintained and if the international community is ready and able to mobilize greater energy and pressure than it is today. Provided the future status process is properly handled, this framework can be used to make further progress.

65. There is now a shared expectation in Kosovo and in Belgrade, as well as in the region, that the future status process will start. During this comprehensive review, there has been a gradual shift in the preparedness of the interlocutors for a future status process. There had been a tendency among the leaders in Pristina to fight each other rather than to prepare for the next steps. Recently, a negotiating team consisting of the five most prominent Kosovo Albanian leaders was appointed, under the leadership of the Kosovo President. There had been a strong tendency among leaders in Belgrade to look at each other rather than to look forward. Today, there is a greater sense of preparedness and unity. There had been reluctance among the Kosovo Serbs to come together and discuss the challenges facing them. Kosovo Serbs of all factions have now been brought together around one table. The work on this comprehensive review has stimulated these developments. However, all these trends are fragile. Great efforts will be required in Pristina and in Belgrade — as well as among the Kosovo Serbs — to prepare for a future status process in a coherent and unified manner.

66. Furthermore, all sides need clarity with regard to the future status of Kosovo. The Kosovo Albanians have expectations that the political process will move forward and that determining Kosovo's future status will bring greater clarity with regard to Kosovo's political and economic development. Kosovo Serbs need such clarity in order to make informed decisions about their future lives. For Belgrade, determining the future status of Kosovo will remove an important source of internal political instability and facilitate the realization of Serbia's European perspective. The region also is better served by putting the question of the future of Kosovo on the agenda. Clarity will stimulate regional political and economic cooperation and remove an element of instability which today hampers the development of the region.

67. It is of great importance that the future status process take place at a time when the international community is still present in Kosovo in sufficient strength. There is today a growing "Kosovo fatigue" in the international community. Postponing the future status process will reinforce this fatigue and weaken the ability of the international community to conduct this process. Commencing the future status process will create a basis for a re-energized international engagement, requiring countries and organizations to place Kosovo squarely back on the agenda.

68. The international community is committed to ensuring that the future Kosovo respects the political, social and economic rights of all ethnic groups, in accordance with Security Council resolution 1244 (1999). This must also be reflected in an effort to bring the minority communities into the process. In addition to Belgrade and Pristina, the Kosovo Serbs will have to be addressed as a party to this process. Mechanisms must also be found to involve the smaller communities. They often declare their readiness to contribute towards the future status of Kosovo. But, they also expect that this process will address their own rights and role in the future Kosovo.

69. The future status process for Kosovo will be very different from peace processes in other parts of the former Yugoslavia. In contrast to those processes, there is in Kosovo little to build on in terms of previous peace plans. Little preparation by the international community and the parties has taken place. Furthermore, the negotiations concern a territory which is still part of a sovereign State but is temporarily administered by the United Nations through provisional self-governing institutions.

70. Hence, the importance of moving forward with caution. Every effort must be made to bring all the parties together — and keep them together — throughout the status process. This broad participation must be respected by all. The process must not be rushed forward but must be brought forward with a clear and common picture of the agenda and the implications. This clear picture of the agenda is still lacking. The end result must be stable and sustainable. Artificial deadlines should therefore not be set. However, once the process has started, it cannot be blocked and must be brought to a conclusion.

71. As already mentioned, much energy has been spent — as part of the consultations for the comprehensive review — to build an environment conducive to possible future status discussions. An important element in this respect has been to bring Belgrade and Pristina together in direct informal talks at the ministerial level. These meetings, between the Ministers of Local Government and the Ministers of Culture, respectively, were the first direct talks at a political level for two years. Decentralization and cultural and religious matters constitute essential elements of any future status process. Continuing these discussions into the early stages of the process would serve as a confidence-building measure and as a signal of readiness by all to contribute to a stable and multi-ethnic Kosovo — irrespective of the outcome of the future status process. They should form building blocks for subsequent phases of the process.

72. The future status process must also seek to involve the neighbouring States in a meaningful way. They will need to understand the process, support it and be reassured by the way in which it is conducted. This will be important to ensure that stability is maintained throughout the process and that the end result contributes to regional stability. The demarcation of the border with the former Yugoslav Republic of Macedonia will be of particular significance and should be resolved before this process ends.

Keeping standards implementation on track

73. It will require great effort to keep the standards implementation process on track. There will be a risk that attention will be focused on status to the detriment of standards. However, it is of crucial importance that sufficient resources be mobilized to ensure that the implementation of standards continues with undiminished energy and with a stronger sense of commitment. During the future status process, the international community will have a stronger leverage to move standards implementation forward. That leverage must be fully exploited. Enhanced implementation of standards will be essential to foster the confidence of the Kosovo Serbs and other minorities during a period of increased political tension. It will also be essential in order to achieve the confidence of the region and the international community.

74. In order to stimulate the standards process, the international community should intensify its efforts in critical areas and review some current practices. There is a need to speed up work with regard to property rights, strengthen return policies, improve human rights instruments, enhance law enforcement efforts in general and ensure that privatization does not affect minorities in a discriminatory way. Progress in these areas would provide a more solid basis for the future status process to unfold and would enhance the likelihood of a sustainable and stable status.

The challenge of reconciliation

75. Reconciliation must now get under way. The main burden will fall on the shoulders of the leaders of the majority population. Those who are eager to obtain recognition, integration and investment must also demonstrate generosity. The Kosovo Albanians must seek to define their identity in a way which is not at the expense of others. They must understand the pressure felt by minorities against their identity, their culture and their livelihood. The Kosovo Serbs and Belgrade must also acknowledge such initiatives and take active part in a reconciliation process. They must accept that remaining outside the Kosovo institutions will not in the end bring them the protection they seek. The Kosovo Albanians must start looking towards the other Kosovo communities and the Kosovo Serbs must in return start looking towards Pristina. All the communities must make an effort to base their future on inclusiveness, modernization and democracy, rather than on separation and ethnic belonging.

76. Further progress in finding and identifying missing persons would be an important contribution to a process of reconciliation. Those who have lost their loved ones need and deserve clarity. Enhanced political efforts must be undertaken to meet their legitimate demands. The possibility of dedicating greater resources to resolving outstanding cases of identification should also be urgently considered.

77. Kosovo will not in the foreseeable future become a place where Kosovo Albanians and Kosovo Serbs are integrated. They probably never were. Nevertheless, the reconciliation process should start. It must come from inside Kosovo and be embraced by all communities. The international community must encourage reconciliation and provide active support

The roles and responsibilities of the international community

78. A decision to start the future status process will take Kosovo — and the region — into a new and difficult phase. The international community will need strength to carry the status process forward. Once the future status has been determined, an international presence — military and civilian — will require the resources necessary to manage the implementation of the settlement in a stable and orderly way.

79. The United Nations has done a credible and impressive job in fulfilling its mandate in difficult circumstances. But its leverage in Kosovo is diminishing. Kosovo is located in Europe, where strong regional organizations exist. In the future, these regional organizations — and in particular the EU — will have to play the most prominent role in Kosovo. They will have the leverage and will be able to offer prospects in the framework of the European integration process. However, any reconfiguration of the international presence in Kosovo must take place in a coordinated manner in order to ensure that current and future requirements are met and the credibility of the international community is maintained.

80. A future status process should be accompanied by a clear expression by the international community that it is determined to stay and support this process as well as its outcome. The EU should in the near term consider stepping up its presence on the ground in order to play an enhanced role in the standards process, prepare for a longer-term engagement and provide visible evidence of Europe's commitment to Kosovo. When status has been determined, the EU will be expected to take on a more prominent role. This relates to the police and justice, where a continued presence will be required, albeit smaller and more specialized; to monitoring and supporting the standards process, which will gradually be merged with established EU processes; and to a focused capacity-building effort.

81. NATO will also have to continue its presence. A restructuring is taking place which will allow the NATO-led KFOR to maintain its credibility and efficiency, while reducing the overall number of its personnel. No other organization can currently provide the same basis of stability. A United States contribution to KFOR is essential. This will provide a visible expression of continued United States engagement.

82. The OSCE has a valuable asset in its field experience and expertise. This presence will be required to enable the international community to monitor and support standards implementation, promote confidence between ethnic communities and identify needs for capacity-building.

83. With the United Nations eventually stepping down from its current role, the lead role should also be taken over by others. A High Representative — or a similar arrangement — will have to be considered. Such an arrangement should be firmly anchored in the EU, while at the same time ensuring continued commitment by the broader international community, in particular the United States. However, the international presence must be developed in a spirit of partnership and local ownership. Each post-conflict situation has its own specific character. To copy the experience of Bosnia and Herzegovina would therefore be a simplistic approach. However, a "Bonn Powers" arrangement could be envisaged in areas relating to inter-ethnic issues, in order to promote confidence and reconciliation.

84. A road map for integration into international structures would provide Kosovo with real prospects for the future. The incentives must be clear and visible. An enhanced EU presence in Kosovo would provide tangible evidence of a stronger European commitment.

85. Belgrade will also need clear incentives for integration into Euro-Atlantic frameworks for cooperation. The EU decision to open negotiations for a stabilization and association agreement represents a milestone in this respect. The most important incentive for Belgrade, however, will not be outside the context of Kosovo, but inside it. Arrangements for wider decentralization will be the most essential part.

86. Determining the future status of Kosovo will in itself be a demanding challenge. The international community must do the utmost to ensure that, whatever the eventual status, it does not become a "failed" status. Kosovo cannot remain indefinitely under international administration. However, it will continue to depend on a significant international presence on the ground. The support needed in so many areas cannot be provided by remote control. The international community must have the stamina required. Entering the future status process does not mean entering the last stage, but the next stage of the international presence.

Appendix

Terms of reference of the Special Envoy of the Secretary-General for the comprehensive review of the situation in Kosovo

Purpose. The comprehensive review is in furtherance of the United Nation's responsibility in Kosovo according to Security Council resolution 1244 (1999), which includes facilitating a political process designed to determine the future status of Kosovo. The review will provide a basis for the Secretary-General's political judgement on whether the situation is conducive to the initiation of the future status process.

Framework for the review. The review will be carried out in the context of resolution 1244 (1999) and the relevant Presidential Statements of the Security Council.

Methodology and scope. The comprehensive review will consist of consultations with the parties and with the major actors on the ground, as well as with the international community, with a broad scope in order to assess the current situation and the conditions for the possible next steps in the process. It will look at the actual political realities as well as the formal preconditions for launching the future status process on the basis of continued and effective progress towards implementation of the standards. The review will also take into account issues related to the sustainability of governance, including the rule of law and security. The review will include an exploration of modalities for initiating and conducting the future status process.

The Special Envoy will consult closely with the Special Representative of the Secretary-General in Kosovo. He will, furthermore, consult with, inter alia, Security Council members, the Contact Group, relevant regional organizations, the parties, relevant regional actors and other key players. Upon the request of the Special Envoy, UNMIK will provide necessary support and access to information and analyses in its possession.

Time frame. The initiation, pace and duration of the comprehensive review will be determined by the Secretary-General on the basis of consultations held by the Special Envoy, taking into account the situation on the ground. It is hoped that the review can be completed in September.

Findings and reporting. The Special Envoy will report directly to the Secretary-General. The Special Envoy will provide the Secretary-General with a comprehensive report on the implementation of standards as well as on the overall situation in and relating to Kosovo.

New York, 13 June 2005